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- 1 Introduced by Mr. Donahue, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

## A BILL

For an Act to provide for a record to be kept of all real property conveyances in the office of the county clerk of each county, for the purpose of taxation.

**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That hereafter all instruments conveying real property shall be recorded in the office of the county clerk of the county where such real property is situated. The said record shall give the names of the grantee, the grantor and a short description of the real property conveyed. The form of the said record shall be substantially as follows:

| Description  | Grantor     | Grantee    | Time |
|--|-------------|------------|------|
| Lot 1, Bl. 1, in Gridley's addition to the city of Bloomington | James Smith | John Jones |      |



7 And the said county clerk shall keep a separate record for each township  
 8 in counties under township organization, and shall keep the record of all lots  
 9 of any city, town or village in said township in a part of such record set aside  
 10 for such purpose, and all real property not within the limits of any city, town  
 11 or village in said township in a part of said record set aside for such purpose.

Sec. 2. That before any instrument shall be recorded in the office of the  
 2 county recorder, in counties having county recorders, and in the office of the  
 3 circuit clerk, when acting as *ex officio* county recorder, the said instrument  
 4 shall be presented to the county clerk to be recorded in the proper book, as  
 5 provided in section 1 of this Act; and the said county clerk shall be entitled to  
 6 a fee of ten (10) cents for each lot or parcel of land recorded in said record,  
 7 and the said county clerk shall note on said instrument, and also in his record  
 8 the exact time the said instrument was received for record, and shall also  
 9 note the book and page in which said instrument of conveyance is recorded.  
 10 The grantee shall be protected from the claims of all subsequent purchasers,  
 11 judgment or attachment creditors and all subsequent lien claimants from the  
 12 time the said instrument is presented for record at the office of the county clerk:  
 13 *Provided*, such instrument conveying real property is presented and filed for  
 14 record in the office of the county recorder or the office of a circuit clerk acting  
 15 as *ex officio* county recorder, within one day from the time the said instrument  
 16 is redelivered to the grantee by the county clerk: *And, provided, further*, the  
 17 said application for redelivery shall be made in one day by the grantee from  
 18 the time the said instrument is recorded by the county clerk. The county clerk  
 19 shall also note on said instrument of conveyance and his record the exact time  
 20 of the day the said instrument is recorded in full in said record and the time a  
 21 re-delivery of said instrument is made to the grantee.

Sec. 3. In the year 1910 each township collector who collects the taxes on  
 2 any lot or parcel of land, and each county collector who collects the taxes on



any lot or parcel of land, shall note in the collector's books, after the description of the property, the name of the owner or owners of each lot or parcel of real property for which he collects taxes, and the county clerk shall, in each county in this State, make a record of each tract or parcel of land in the book provided for in section one of this Act, in all cases where transfers have not been made on or before October 1, A. D. 1911, and said county clerk shall copy said record from the collector's books, as herein provided.

Sec. 4. Any county recorder or circuit clerk who acts as *ex officio* county recorder, who shall receive any estate conveying real property in this State before the said instrument has been filed for record in the office of the county clerk, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than three nor more than ten dollars for each instrument recorded contrary to the provisions of this Act.

Sec. 5. That all officers required by law to extend taxes on the collector's books shall, when the said extension is made, ascertain from said record required to be kept under section 1 of this Act, the owner or owners of each lot or parcel of land against which taxes are extended and any county clerk violating the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be fined not less than three nor more than ten dollars for the extension of taxes against any lot or parcel of land without setting forth the owner or owners, as shown by the records kept in his office under the provisions of this Act.



AMENDMENTS TO

46th Assem.

HOUSE—No. 650

May 1909

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AMENDMENT NO. 1.

Amend the title of House Bill No. 650 by inserting after the word “county” the following: “of less than 300,000 inhabitants.”

AMENDMENT NO. 2.

Amend House Bill No. 650 as printed by inserting after the word “of” in section 1, line 3, the following: “less than 300,000 inhabitants.”

AMENDMENT NO. 3.

Amend House Bill No. 650 as printed by inserting in section 2, line 2, after the word “counties” the following: “of less than 300,000 inhabitants.”

AMENDMENT NO. 4.

Amend House Bill No. 650 as printed in section 4, line 2, by striking out the word “estimate” and inserting in lieu thereof the word “instrument.”





- 1 Introduced by Mr. English, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

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## A BILL

For an Act to repeal an Act entitled "An Act to encourage the propagation and cultivation and to secure the protection of fishes in all waters under the jurisdiction of the State of Illinois, defining the duties of the Fish Commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof," in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled "An Act to encourage the prop-  
3 agation and cultivation and to secure the protection of fishes in all the waters  
4 under the jurisdiction of the State of Illinois, defining the duties of the Fish  
5 Commissioners, fixing their compensation and providing penalties for the viola-  
6 tion of the provisions thereof," in force July 1, 1907, be and the same is hereby  
7 repealed.





- 1 Introduced by Mr. English, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

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## A BILL

For an Act to to amend section twenty-five of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto, approved April 28, 1903, in force July 1, 1903, as amended by Act approved May 28, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section twenty-five (25) of an Act entitled, "An Act for the protection of game, wild fowls and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 28, 1907, in force July 1, 1907.

7       Sec. 25. For the purpose of increasing the State game protection fund and  
8 preventing unauthorized persons from killing game birds, no person or per-

9 sons shall at any time hunt or kill, with gun, any of the wild animals, fowl or  
 10 birds that are protected, during any part of the year, without first having  
 11 procured a license so to do, and then only during the respective periods of  
 12 the year when it shall be lawful. Said license shall be procured from any  
 13 county, city or village clerk in the following manner, to-wit: The applicant  
 14 shall fill out a blank application to be furnished by the State Game Commis-  
 15 sioner, through the clerk of each county, city or village, stating name, age,  
 16 occupation and place of residence of applicant; said application shall be sub-  
 17 scribed and sworn to by the applicant before said county, city or village clerk.  
 18 And it is hereby expressly provided that if said county, city or village clerk  
 19 fails to administer the oath as herein provided, or anti-dates any license, he shall  
 20 be subject to a fine herein provided for each and every offense, the same to be  
 21 recovered in any court of competent jurisdiction. And if said applicant is a  
 22 non-resident of the State of Illinois, shall pay to the county clerk the sum of  
 23 fifteen dollars as a license fee, together with the sum of fifty cents as the fee  
 24 of said county clerk for administering the oath to the applicant and issuing  
 25 said license; and if a resident of the State of Illinois, shall pay to the county,  
 26 city or village clerk, the sum of seventy-five cents as a license fee, together  
 27 with the sum of twenty-five cents as the fee of said county, city or village  
 28 clerk for administering the oath to the applicant and issuing said license. Said  
 29 license shall bear the signature of the State Game Commissioner and the seal  
 30 of the county, city or village in which the same is issued, and be countersigned  
 31 by the said clerk.

32 And such license, if a non-resident, is hereby authorized to take from the  
 33 State fifty birds of all kinds killed by himself or herself, which shall be car-  
 34 ried openly for inspection, together with his or her license.

35 The number of game birds that may be killed in any one day by one per-  
 36 son is hereby limited to twenty ducks, geese, brant, coot, rail and other water

37 fowl, and fifteen game birds of any other one kind, except ruffed grouse (par-  
 38 tridge), pinnated grouse (prairie chicken). Mexican blue quail, California val-  
 39 ley quail, California mountain quail, wild turkey, English ringneck pheasants,  
 40 Copper pheasants, Soemering pheasants, Tropagan pheasants, Silver pheasants,  
 41 Golden pheasants, Reeves pheasants, Elliott pheasants, Hungarian pheasants,  
 42 Swinhoe pheasants, Amherst pheasants, Melanote pheasants, Impeyan pheasants  
 43 and Argus pheasants. The number of squirrels that may be killed in any one  
 44 day by one person is hereby limited to fifteen.

45 The license fee above provided for shall be paid by the said clerk to the  
 46 State Treasurer at the end of each month, and shall be placed to the credit of  
 47 a fund to be known as the State game protection fund, and shall be disbursed  
 48 by the State Treasurer on vouchers certified to by the State Game Commis-  
 49 sioner and approved by the Governor and filed with the Auditor of Public  
 50 Accounts, and shall draw his warrant therefor on the State Treasurer.

51 Every license issued shall be signed by the licensee in ink, and as afore-  
 52 said shall entitle the person to whom issued to hunt, pursue and kill game with-  
 53 in the State such game; and no person to whom a license has been issued shall  
 54 be entitled to hunt, pursue or kill game in this State without, at the time of  
 55 such hunting, pursuing and killing of game, he or she shall have such license  
 56 in his or her name; and such license shall be void after the first day of June  
 57 next succeeding its issuance: *Provided*, that the owner or owners of farm  
 58 lands, their children or tenants, shall have the right to hunt and kill game on  
 59 the farm lands of which he or they are the *bona fide* owners or tenants, dur-  
 60 ing the season when it is lawful to kill game, without providing such resident  
 61 license.

62 Any person found guilty of violating any of the provisions of this Act  
 63 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall  
 64 be fined in any sum not less than *ten* dollars nor more than *twenty-five* dollars  
 65 for each and every offense, and shall stand committed to the county jail until

66 such fine and costs are paid; but such imprisonment shall not exceed thirty  
67 days for each offense; or such person may be proceeded against in an action  
68 of debt in the name of the People of the State of Illinois for the recovery  
69 of the penalty herein prescribed.

- 1 Introduced by Mr. English, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

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## A BILL

For an Act to repeal an Act entitled "An Act for the protection of game, wild fowl and birds and to repeal certain Acts relating thereto." approved April 28, 1903, in force July 1, 1903, and all Acts amendatory thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled "An Act for the protection of  
3 game, wild fowl and birds and to repeal certain Acts relating thereto," ap-  
4 proved April 28, 1903, in force July 1, 1903, and all Acts amendatory thereto,  
5 be and the same is hereby repealed.





- 1 Introduced by Mr. Church, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Statutory Revision.

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## A BILL

For an Act authorizing the appointment of a commission to revise and codify the  
building laws of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the Governor be and he is hereby empowered  
3 and directed to appoint a commission to be known as "The Commission to  
4 Revise and Codify the Building Laws of the State of Illinois," to be composed  
5 of nine members selected as follows: One member from the Illinois Chapter  
6 of the American Institute of Architects; two members from the Western Society  
7 of Engineers; one member representing the National Board of Fire Underwriters  
8 residing in this State; one member from the State Board of Examiners of  
9 Architects; one member from the Building Contractors' Council; and two  
10 members appointed at large. The State Architect shall also be made a mem-  
11 ber of said commission, and shall act as its chairman: *Provided*, if the office

12 of State Architect is vacant through resignation or otherwise the Governor  
13 shall appoint a chairman for said commission.

Sec. 2. The duties of said commission shall be to make such investigation  
2 into the subject of building laws in force in other states as it may deem neces-  
3 sary, and to consider all the laws in force in the State of Illinois bearing on  
4 that subject with the object in view of revising and codifying the laws of this  
5 State which pertain to the subject of buildings. In the report which such  
6 commission makes, as hereinafter provided, it shall recommend to the General  
7 Assembly such legislation as will properly regulate the construction, sanitation  
8 and protection from fire of all buildings of a public nature, or where large  
9 numbers of people shall congregate, such as hotels, theatres, schools, churches  
10 and other buildings for public assembly, department stores, factories, tenement  
11 houses, hospitals and buildings for charitable, penal and reformatory institu-  
12 tions, so that the greatest measure of safety to life and limb and property may  
13 be assured to the People of the State of Illinois.

Sec. 3. The commission shall be allowed their traveling and other neces-  
2 sary expenses, and it is hereby empowered to employ a secretary, at a reason-  
3 able compensation, not to exceed \$5 per day for each day actually engaged in  
4 the service of said commission, and such compensation together with the neces-  
5 sary expenses of said commission shall be allowed and paid, on the presenta-  
6 tion of bills, approved by the Governor, out of the funds in the State treasury  
7 not otherwise appropriated.

Sec. 4. The said commission shall make its report with such proposed legis-  
2 lation accompanying the same to the Governor of this State on or before Janu-  
3 ary 1, 1910.

- 1 Introduced by Committee on Judicial Department and Practice, April 28, 1909.  
2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to amend section 42 of an Act entitled, "An Act to regulate the practice in courts of chancery," approved March 15, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 42 of an Act entitled, "An Act to  
3 regulate the practice in courts of chancery," approved March 15, 1872, in  
4 force July 1, 1872, be and the same is hereby amended to read as follows:  
5     Sec. 42. When any bill is taken for confessed or upon hearing, the court  
6 may make such decree thereon as may be just, and may enforce such decree,  
7 either by sequestration of real and personal estate, by attachment against  
8 the person, by fine or imprisonment, or both; by causing possession of real  
9 and personal estate to be delivered to the party entitled thereto, or by order-  
10 ing the demand of the complainant to be paid out of the effects or estate se-  
11 questered, or which are included in such decree; and by the exercise of such

12 other powers as pertain to courts of chancery, and which may be necessary  
13 for the attainment of justice.

14 *Provided, when any parties to a bill in chancery are brought before the*  
15 *court accused of violating any writ, order or decree, issued or entered there-*  
16 *in, and the matters complained of would constitute a criminal offense, then*  
17 *there shall be no conviction of the parties for violating such writ, order or de-*  
18 *crece, unless upon trial by jury upon such charge of contempt, and upon evi-*  
19 *dence proving the accused guilty beyond all reasonable doubt.*

20 *All parts of Acts inconsistent herewith are hereby repealed.*

- 1 Introduced by Committee on Judicial Department and Practice, April 28, 1909.  
2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to provide, in counties of the third class, for the licensing of court reporters, and to regulate the practice of court reporting.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a committee for the examination of court re-  
3 porters is hereby created, the members of which committee shall be appointed  
4 by the judges of the Appellate Court of the First District of Illinois, as here-  
5 inafter provided. The duty of such committee shall be to carry out the pur-  
6 poses and enforce the provisions of this Act and to fix the maximum charges  
7 for services of court reporters.

Sec. 2. The said judges shall, as soon as conveniently may be after the  
2 passage of this Act, appoint as such committee of examiners of court report-  
3 ers aforesaid, three persons, at least two of whom shall be skilled in the prac-



4 tice of shorthand court reporting, and shall have been actively engaged there-  
5 in in the State of Illinois for at least twenty years, and the third member of  
6 such committee shall be an attorney who has been in active practice in this  
7 State for at least ten years. The term of office of the members of such com-  
8 mittee shall be three years, except that of the first committee appointed un-  
9 der this Act, one member shall hold office for one year, one member for two  
10 years and one member for three years; such respective terms to be determined  
11 by the said judges, who shall also fill any vacancy that may occur in such  
12 committee.

Sec. 3. The members of the said committee shall, within one month after  
2 their appointment, elect from their number a president, also a secretary, who  
3 shall be the treasurer. The treasurer, before entering upon his or her duties,  
4 shall file with the State Treasurer a bond for one thousand dollars, conditioned  
5 for the faithful performance of his or her duties. The committee shall de-  
6 termine the qualifications of persons applying for licenses under this Act, and  
7 shall make rules for the examination of such persons. The committee shall  
8 adopt rules and regulations not inconsistent with this Act to govern its proceed-  
9 ings, and also a seal, of which the secretary shall have the care and custody,  
10 and shall keep a record of all proceedings of the committee, including  
11 a register of the names of all the court reporters licensed under this  
12 Act, which register shall be at all reasonable times open to public inspection.  
13 The committee shall prosecute all persons violating any of the provisions of  
14 this Act, and may incur necessary expenses on that behalf. Each member of  
15 the committee shall receive the sum of ten dollars for each day actually spent  
16 in the conducting of examinations, together with actual expenses incurred in at-  
17 tending meetings of said committee, said compensation and expenses to be  
18 paid from moneys received by the committee as examining fees; and no part  
19 of said expenses or compensation shall be paid out of the State treasury. All

26 moneys received in excess of said compensation and expenses provided for  
21 shall be held by the treasurer of the committee for meeting the expenses of  
22 said committee and the cost of the annual report of said committee.

Sec. 4. The committee shall hold meetings and conduct examinations at  
2 such times and places as may be prescribed by rules to be entered upon their  
3 records, as provided in the third section of this Act, and shall register and  
4 issue a license to each applicant found qualified to receive the same.

Sec. 5. Upon filing an application for examination and license each ap-  
2 plicant shall pay a fee of ten dollars.

Sec. 6. For the purposes of this Act a court reporter shall be under-  
2 stood to be any person who for the general public shall practice the business  
3 or calling of court reporting in shorthand for hire in any of the courts of this  
4 State, or before any officer or person authorized to take testimony of  
5 witnesses.

Sec. 7. No person shall practice the business or calling of a court re-  
2 porter for the general public in any of the courts of this State, in counties  
3 to which this Act applies, or before any officer or person authorized to take  
4 testimony of witnesses in such counties, without first having obtained a license,  
5 as herein provided: *Provided*, that nothing herein shall prevent unlicensed re-  
6 porters from acting in *ex parte* hearings or default cases nor from taking  
7 depositions upon stipulation or notice of counsel: *Provided, further*, that if  
8 at any time it shall appear to the judge or other officer or person before whom  
9 a trial or hearing is about to be had that a licensed reporter cannot be se-  
10 cured, such judge, officer or other person may authorize the employment of an  
11 unlicensed reporter until a licensed reporter can be secured.

Sec. 8. Every person so licensed as aforesaid shall record his or her  
2 license with the county clerk of his or her county, who shall keep a record  
3 thereof in a book provided for that purpose, and who shall charge the sum of  
4 twenty-five cents for the recording of each license. Such license must be so  
5 filed for record within three months after its issuance.

Sec. 9. Said committee shall issue a license under this Act, without exam-  
2 ination to any court reporter holding, at the time of the passage of this Act,  
3 an appointment as official reporter in any court of this State.

Sec. 10. Every licensed court reporter shall sign his or her name, with  
2 the words, "Licensed Court Reporter," to all transcripts made by him or her  
3 to be used in any court.

Sec. 11. The committee may, for unprofessional conduct or other suffi-  
2 cient cause, revoke any license issued under the provisions of this Act: *Pro-*  
3 *vided*, that written notice shall have been previously mailed to the holder  
4 of such license twenty days before any hearing thereon, stating the cause for  
5 such contemplated action, and appointing a date for a full hearing thereof by  
6 the committee: *And, provided, further*, that no license shall be revoked until  
7 a full hearing shall have been had at the place where the offense shall be al-  
8 leged to have been committed.

Sec. 12. If any person, without having received a license, as provided in  
2 this Act, shall represent himself or herself to the public, or to any person de-  
3 siring the services of a court reporter, as having received such a license, or  
4 shall assume to practice as a licensed court reporter, or shall use the words,  
5 "Licensed Court Reporter," or the abbreviation "L. C. R.," or any similar  
6 words or letters, to indicate that the person using the same is a licensed  
7 court reporter; or if any court reporter whose license shall have been revoked,  
8 as provided in this Act, shall continue to practice as a licensed court reporter,

9 he or she shall be deemed guilty of a misdemeanor, and upon conviction there-  
10 of shall be fined a sum not less than fifty dollars (\$50) nor more than two  
11 hundred dollars (\$200) for each offense.

Sec. 13. Any person who shall violate any section or provision of this  
2 Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall  
3 be fined a sum not less than fifty dollars (\$50) nor more than two hundred  
4 dollars (\$200) for each offense.

Sec. 14. This Act shall be applicable only to counties of the third class.





AMENDMENTS TO

46th Assem.

HOUSE—No. 656

May 1909

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AMENDMENT NO. 1.

Amend House Bill No. 656 by striking out in section one (1), in line 6, after the word “Acts” the words “and to fix the maximum charges.” Also strike out all of line seven (7) of said section.

AMENDMENT NO. 2.

Amend House Bill No. 656 by inserting after the word “State” in line three of section 9, the following: “and to any person who shall satisfy the committee that he or she is a person of good moral character and has been actively and continuously engaged in the business of court reporting for the general public for at least ten years prior to the passage of this Act.”



- 1 Introduced by Mr. Fieldstack, by request, April 28, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.

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## A BILL

For an Act to amend section 31 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by Act approved May 11, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 31 of an Act entitled "An Act concern-  
3 ing fees and salaries, and to classify the several counties of this State with  
4 reference thereto," approved March 29, 1872, and Acts amendatory thereto;  
5 title as amended by Act approved March 28, 1874, in force July 1, 1874; as  
6 amended by Act approved May 11, 1907, in force July 1, 1907, be and the same  
7 is hereby amended to read as follows:

8        Sec. 31. The clerks of all courts of record of Cook county, the treasurer,  
9        sheriff, coroner, county clerk and recorder of deeds of Cook county, hereafter  
10        elected, shall be paid by the said Cook county as their only compensation for  
11        their services the following named salaries, to wit:

12        The clerk of the circuit court the sum of nine thousand dollars per annum.

13        The clerk of the superior court the sum of nine thousand dollars per  
14        annum.

15        The county clerk of Cook county, as the only compensation for services  
16        rendered in the capacity of county clerk, clerk of the county court, or in any  
17        other capacity, the sum of nine thousand dollars per annum.

18        The clerk of the criminal court the sum of nine thousand dollars per  
19        annum.

20        The clerk of the probate court of Cook county the sum of nine thousand  
21        dollars per annum.

22        The county treasurer the sum of four thousand dollars per annum.

23        The sheriff the sum of six thousand dollars per annum.

24        The coroner the sum of nine thousand dollars per annum.

25        The recorder of deeds of Cook county, as the only compensation for serv-  
26        ices rendered in the capacity of recorder or in any other capacity, the sum of  
27        nine thousand dollars per annum.



AMENDMENT TO

46th Assem.

HOUSE—No. 657

May 1909

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Amend House Bill No. 657 by striking out the words “six thousand” in line 23 of said bill as printed and inserting in lieu thereof “nine thousand nine hundred and sixty.”



- 1 Introduced by Committee on Fish and Game, April 28, 1909.
- 2 Read a first time, ordered printed and to a second reading.

A BILL

For an Act entitled “An Act to amend sections one (1), two (2), three (3), six (6), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), twenty-five (25), twenty-seven (27), twenty-eight (28), twenty-nine (29), and to repeal section thirty-one (31) of an Act entitled ‘An Act for the Protection of Game, Wild Fowl and Birds, and to repeal certain Acts relating thereto;’ approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907.”

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two (2), three (3), six (6), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), twenty-five (25), twenty-seven (27), twenty-eight (28), twenty-nine (29), of an Act entitled “An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,” approved April 28, 1903, in force July 1, 1903, as amend-

ed by an Act of May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

Sec. 1. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare, destroy or attempt to hunt, kill, net, entrap, ensnare or destroy, or have in possession any Bobwhite quail from the 10th day of December to the 10th day of November (both inclusive) of each succeeding year; *not more than twelve by one person in one day*; or any ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican Blue quail, California Mountain quail, California Valley quail, Hungarian partridge, Capercalzie or Heath grouse (Black grouse), for the period of four years from and after July 1, 1907; or any Wood cock or Mourning dove from the 30th day of November to the first day of August (both inclusive) of each succeeding year; or any Gray Red fox or Black squirrel from the 15th day of November to the first day of July of each succeeding year; *or any of the order of the Limicolae or shore birds, commonly known as the Jack snipe, Wilson's snipe, Sand snipe, or any kind of snipe, or any Golden plover, Upland plover, or any kind of plover, from the first day of May to the first day of September (both inclusive) of any year, nor more than fifteen by one person in one day.* And it shall be unlawful to kill, hunt, ensnare, entrap, or attempt to kill, hunt, ensnare, entrap or otherwise destroy any wild goose, duck, brant, coot (mud hen), rail or other water fowl at any time from the 15th day of April to the 1st day of September (both inclusive) of each year: *Provided, it shall be unlawful to kill Wood ducks at any time of the year from the 1st day of July, 1909, to the 1st day of July, 1913.* And it shall be unlawful to hunt, kill, entrap, ensnare, or attempt to hunt, kill, entrap, ensnare, or otherwise destroy any wild goose, duck, brant, coot, rail or



24 other water fowl between the sunset of any day and the sunrise of the next suc-  
 25 ceeding day at any period of the year. And it shall further be unlawful at  
 26 any time to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap or en-  
 27 snare or otherwise destroy any wild goose, brant, duck, coot, rail or other water  
 28 fowl from any fixed or artificial ambush beyond the lines of natural covering  
 29 of reeds, canes, willows, flags, crooked brush, wild rice, or other vegetation  
 30 above the water of any lake, river, bay or inlet or other water course wholly  
 31 within the State, *or any other water course bordering on the State of Illinois*  
 32 *to the middle of the channel thereof*; or with the aid or use of any device com-  
 33 monly called sneak boat, sink box or other device for the purpose of conceal-  
 34 ment in the open waters of this State, *or in any other water courses bordering*  
 35 *on the State of Illinois to the middle of the channel thereof.*

36 *And it shall be unlawful to bait or feed or attempt to bait or feed any wild*  
 37 *goose, brant, duck, coot, rail or other water fowl with any kind of grain or seeds*  
 38 *for the purpose of killing, ensnaring or entrapping, or attempting to kill, ensnare*  
 39 *or entrap said fowl within the jurisdiction of this State.*

40 And it shall further be unlawful to shoot, kill or destroy, *or attempt to shoot,*  
 41 *kill or destroy,* any wild goose, duck, brant, coot, rail or other water fowl with a  
 42 swivel gun or from any sail boat, gasoline or electric launch or steam boat at any  
 43 time in any part of the water of any lake, river, bay or inlet or other water  
 44 course wholly within this State, *or any other water courses bordering on the*  
 45 *State of Illinois, to the middle of the channel thereof: Provided,* that it shall be  
 46 unlawful to kill, entrap, ensnare, or otherwise destroy any of the duck, geese,  
 47 brant, coot, rail or other water fowl, *or any of the order of the Limicolae or*  
 48 *shore birds commonly known as Jack snipe, Wilson's snipe, Sand snipe, or any*  
 49 *kind of snipe, or any Golden plover, Upland plover or any kind of plover men-*

tioned in this section, at any time for market or other commercial purposes, *nor more than fifteen duck, ten geese, ten brant, twenty coots, twenty rails or other water fowl*, by one person in one day.

Any person or persons so offending shall for each and every offense be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than fifteen nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal herein specified shall be deemed a separate offense: *Provided*, that nothing in this section shall be construed to prevent the State Game Commissioner or his wardens or deputies from hunting, ensnaring or entrapping any of the game birds or animals in this section mentioned and transmitting them to other sections of the State where a scarcity of these game birds or animals exists, for the purpose of propagating and restocking said sections of the State; and, *Provided, further*, that before hunting, ensnaring or entrapping said State Game Commissioner, his wardens or deputies, must first obtain the consent in writing of the tenant or land-owners from whose premises said game birds and animals are taken.

Sec. 2. It shall be unlawful for any person to buy, sell, or have in his or her possession any of the animals, wild fowl or birds mentioned in Section 1 of this Act at any time when the killing, trapping, netting and ensnaring of such animals, wild fowl or birds shall be unlawful. And it shall further be unlawful for any person or persons at any time to buy, sell or expose for sale, or to have in his or their possession for the purpose of selling, *any* wild duck, goose, brant, *shore bird*, *Bobwhite quail*, Mexican blue quail, California mountain quail, California valley quail, Hungarian partridge, Capercalzie, Heath grouse (Black grouse), Ruffed

9 grouse or partridge, gray, red fox or Black squirrel or wild turkey, except that  
10 they shall have been imported from other states as hereinafter provided for, and  
11 then only between the first day of October and the first day of February of the  
12 following year. And it shall further be unlawful for any person, corporation  
13 or carrier to receive for transportation, to transport, carry or convey any of the  
14 aforesaid quail, pinnated grouse or prairie chickens, ruffed grouse or partridge,  
15 squirrel, duck, goose, brant, *shore bird*, Hungarian partridge, Capercalzie, Heath  
16 grouse or wild turkey that shall have been caught, ensnared, entrapped or killed  
17 within the limits of this State; and it shall be *prima facie* evidence that the hav-  
18 ing in possession of the aforesaid game birds or animals that the same were  
19 caught, ensnared, entrapped or killed within the limits of this State; or to trans-  
20 port, carry or convey the same to any place where it is to be sold or offered for  
21 sale, or to any place outside of this State for any purpose except such person  
22 have a license from this State so to do. And any person guilty of violating any  
23 of the provisions of this section shall be guilty of a misdemeanor and on convic-  
24 tion thereof shall be fined not less than twenty-five dollars nor more than one  
25 hundred dollars for each and every offense, and shall stand committed to the  
26 county jail not exceeding ten days, or until such fine and costs are paid: *Pro-*  
27 *vided*, that the buying, selling or exposing for sale, having in possession for sale,  
28 transporting or carrying and conveying contrary to the provisions of this sec-  
29 tion of each and every animal or bird forbidden herein shall be deemed a separate  
30 offense.

Sec. 3. Any person who shall, within the State, kill or catch, or have in his  
2 or her possession, living or dead, any wild bird, or part of bird, other than a  
3 game bird, English sparrow, Crow, Crow Black bird, Chicken hawk or other  
4 hawks, *Blue Jay*, or who shall purchase, offer or expose for sale, any such wild

5 bird, or part of bird, after it has been killed or caught, shall, for each offense, be  
 6 subject to a fine of five dollars for each bird killed or caught or had in his or her  
 7 possession, living or dead, and shall stand committed to the county jail until  
 8 such fine and costs are paid: *Provided*, that such imprisonment shall not exceed  
 9 ten days: *Provided, further*, that nothing in this section shall be construed to  
 10 prevent the owner or occupant of lands from destroying any such birds or ani-  
 11 mals when deemed necessary by him for the protection of fruits or property.  
 12 For the purpose of this Act the following, only, shall be considered game birds:  
 13 The Anatidae, commonly known as swan, geese, brant, river and sea ducks; the  
 14 Ballidae, commonly known as rail, and the Gallinules and Limicolae, commonly  
 15 known as shore birds, plover, surf birds, snipe, wood cock and pipers, tattlers  
 16 and curlews; the Calinane, commonly known as wild turkey, grouse, prairie  
 17 chicken, pheasant, partridges, quail and mourning dove.

Sec. 6. No person or persons shall buy, sell or expose for sale, or have in  
 2 his or their possession for the purpose of selling or exposing for sale, any of the  
 3 animals, wild fowl or birds mentioned in Section 1 of this Act, after the expiration  
 4 of five days next succeeding the first day of the period in which it shall be un-  
 5 lawful to kill, entrap or ensnare such animals, wild fowl or birds; nor shall any  
 6 of such animals, wild fowl or birds be sold or offered for sale during the first  
 7 two days of the open season. Any person so offending shall, on conviction, be  
 8 fined and dealt with as specified in Section 1 of this Act, and the buying, selling  
 9 or exposing for sale or having same in possession for the purpose of selling or  
 10 exposing for sale any of the animals or birds mentioned in this section after the  
 11 expiration of the time mentioned in this section, shall be *prima facie* evidence  
 12 of the violation of this Act: *Provided*, that the provisions of this section shall  
 13 not apply to the killing of birds by or for the use of taxidermists for preservation,



14 either in public or private collections, if so preserved: *Provided, further, that*  
 15 nothing contained in this section shall be construed as modifying or being in con-  
 16 flict with Section 2 of this Act, or authorizing or legalizing the sale or exposing  
 17 for sale, transportation or receiving for transportation, any of the animals, birds  
 18 or game as therein prohibited: *And, provided, also, that the inhabitants of this*  
 19 State may receive game from other States *legally killed, entrapped or ensnared*  
 20 and expose and sell the same on the market between the first day of October and  
 21 the first day of February of each year.

Sec. 8. All prosecutions under the provisions of this Act, except as other-  
 2 wise herein provided, shall be brought by any person in the name of the People  
 3 of the State of Illinois against any person or persons violating any of the pro-  
 4 visions of this Act, before any Justice of the Peace of any county, (and said Jus-  
 5 tice may, on proper evidence of guilt, bind said violator over to the grand jury), or  
 6 before any court of competent jurisdiction; and it is hereby made the duty of the  
 7 State's Attorneys to see that the provisions of this Act are enforced in their  
 8 respective counties; and they shall prosecute all offenders on receiving informa-  
 9 tion of the violation of any of the provisions of this Act; and it is made the duty  
 10 of the sheriff, constable and police officers to inform against all persons whom  
 11 there is a probable cause to believe are guilty of violating any of the provisions  
 12 of this Act; one-half of the amount recovered in any penal action under the pro-  
 13 visions of this Act shall be paid to the person filing the complaint in such action,  
 14 and the remaining one-half to the Game Protection Fund.

Sec. 9. All prosecutions under this Act shall be commenced within *one year*  
 2 from the time such offense was committed, and not afterward.



Sec. 10. That it shall be unlawful for any person in the State of Illinois,  
 2 for and during the period of ten years from the passage of this Act, to injure,  
 3 take, kill, expose or offer for sale, or have in possession, except for breeding  
 4 purposes, any wild buck, doe or fawn: *Provided*, that any person who breeds  
 5 and raises deer for market where the same has been bred and raised within  
 6 an enclosure, may kill and sell the same *from October 1st to February 1st*; and  
 7 for six years from and after the first day of July, 1907, any wild turkey, English  
 8 ring neck pheasant, Chinese ring neck pheasant, Green Japanese pheasant,  
 9 Copper pheasant, Soemmering pheasant, Tropicson pheasant, Silver pheasant,  
 10 Golden pheasant, Reeves pheasant, Elliott pheasant, Hungarian pheasant, Swin-  
 11 hoe pheasant, Amherst pheasant, Melanote pheasant, Impeyan pheasant, Argus  
 12 pheasant; or any Cacabis and Chucker partridge, or any Sand grouse and  
 13 Black Indian partridge: *Provided*, that cock pheasants may be killed and sold  
 14 from the 1st day of November to the *1st day of February* of each and every year,  
 15 by the breeders thereof, upon a permit issued to them by the State Game Com-  
 16 missioner. Any person violating the provisions of this section shall be deemed  
 17 guilty of a misdemeanor and upon conviction shall be punished by a fine of not  
 18 less than fifty dollars nor more than one hundred dollars, and in default of the  
 19 payment of the fine imposed shall be imprisoned in the county jail at the rate  
 20 of one day for each dollar of the fine imposed. The one-half of all the fines  
 21 imposed and collected under this Act shall be paid to the informer and the  
 22 balance shall be paid to the State Game Protection Fund.

Sec. 16. In order that the provisions of this Act may be more fully carried  
 2 out the Governor of the State shall appoint one State Game Commissioner, whose  
 3 term of office shall be for the period of incumbency of the Governor appointing  
 4 him, or until his successor is appointed, whose duty it shall be to secure the en-

5 enforcement of all the statutes of the State for the preservation of game and birds,  
6 or bring or cause to be brought, actions and proceedings in the name of the  
7 People of the State of Illinois to recover any and all fines and penalties pro-  
8 vided for in such laws relating to game and birds and to prosecute all vio-  
9 lators of said statute. The Game Commissioner is empowered to appoint by  
10 and with the approval of the Governor sixteen game wardens who shall have no  
11 other employment or business. They shall devote their entire time to the work  
12 of game protection and shall travel over the State in all seasons for this purpose  
13 under the direction of the State Game Commissioner. Such appointment shall  
14 be for efficient service only and regardless of political influence. The State  
15 Game Commissioner is also authorized to appoint *two* deputy game wardens for  
16 each county of the State and as many special deputy game wardens as in his  
17 opinion is necessary for the proper enforcement of the law. They shall have  
18 authority with the State Game Commissioner in the enforcement of the game  
19 laws of the State, relative to game and birds throughout the State, and shall be  
20 immediately responsible to the State Game Commissioner, and shall report to  
21 and receive their instructions from him. Such game wardens and deputy game  
22 wardens shall be subject to removal by the State Game Commissioner at any  
23 time.

Sec. 17. Such State Game Commissioner, game wardens and their depu-  
2 ties shall have full power to execute and serve all warrants and processes of law  
3 issued by any Justice of the Peace or Police Magistrate, or by any court having  
4 jurisdiction under the law relating to the game in the same manner as any  
5 constable may serve and execute such processes, and may arrest on sight and  
6 without warrant, any person detected by them actually violating any of the pro-  
7 visions of the laws of the State relating to game and birds, and may take such

8 person so offending before any court having jurisdiction of the offense and make  
9 proper complaint before such court which shall proceed with the case in the man-  
10 ner and form provided by the law for misdemeanors. It shall further be the  
11 duty of such State Game Commissioner, game wardens or their deputies, upon  
12 receiving any information that any law relative to game and birds has been vio-  
13 lated, to immediately cause a thorough examination of such complaint to be  
14 made, and to cause proceedings to be instituted if the proof at hand warrants;  
15 and all sheriffs, deputy sheriffs, coroners and police officers of the State shall,  
16 each and every one of them, assist the State Game Commissioner, game war-  
17 dens and their deputies in the enforcement of the State Game Law, the same as  
18 it is their duty to assist in the enforcement of other laws and such State Game  
19 Commissioner, game wardens and deputy game wardens shall seize on sight,  
20 without process, any game found in the possession of any person or corporation  
21 which is so in possession contrary to law.

Sec. 25. For the purpose of increasing the State Game Protection Fund  
2 and preventing unauthorized persons from killing game birds, no person or  
3 persons shall at any time hunt, pursue or kill with gun, any rabbits, crows or  
4 any of the wild animals, fowl or birds that are protected during any part of  
5 the year without first having procured a license so to do, and then only during  
6 the respective periods of the year when it shall be lawful. Said license shall  
7 be procured from any county, city or village clerk in the following manner,  
8 to-wit: The applicant shall fill out a blank application to be furnished by the  
9 State Game Commissioner to the clerk of each county, city or village stating  
10 name, age, occupation and place of residence of applicant; said application  
11 shall be subscribed and sworn to by the applicant before said county, city or  
12 village clerk, and it is hereby expressly provided that if said county, city or

13 village clerk fails to administer the oath as herein provided, or antedates any  
 14 license, he shall be subject to a fine herein provided for each and every offense,  
 15 the same to be recovered in any court of competent jurisdiction. And said appli-  
 16 cant, if a non-resident of the State of Illinois, shall pay to the county clerk  
 17 the sum of *twenty-five* dollars as a license fee, together with the sum of fifty  
 18 cents as the fee of said county clerk for administering the oath to the applicant  
 19 and issuing said license; and if a resident of the State of Illinois, shall pay to  
 20 the county, city or village clerk, the sum of seventy-five cents as a license fee, to-  
 21 gether with the sum of twenty-five cents as the fee of said county, city or village  
 22 clerk for administering the oath to the applicant and issuing said license. Said  
 23 license shall bear the signature of the State Game Commissioner and the seal  
 24 of the county, city or village in which the same is issued and be countersigned  
 25 by the said clerk. And such licensee, if a non-resident, is hereby authorized to  
 26 take from the State *not to exceed in the aggregate*, fifty birds of all kinds killed  
 27 by himself or herself which shall be carried openly for inspection, together with  
 28 his or her license. The number of game birds or animals that may be killed in  
 29 any one day by one person is hereby limited to *fifteen* ducks, *ten* geese, *ten* brant,  
 30 *twenty* coots, *twenty* rails, or other water fowl. *The number of the Limiloeae or*  
 31 *shore birds that may be killed by one person in one day is hereby limited to fif-*  
 32 *teen*, and fifteen game birds of any other one kind, except *Bobwhite* quail,  
 33 ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican Blue  
 34 quail, California Valley quail, California Mountain quail, wild turkey, English  
 35 Ring neck pheasants, Chinese Ring Neck pheasants, Green Japanese pheasants,  
 36 Copper pheasants, Soemmering pheasants, Tropagon pheasants, Silver pheas-  
 37 ants, Golden pheasants, Reeves pheasants, Elliott pheasants, Hungarian pheas-  
 38 ants, Swinhoe pheasants, Amherst pheasants, Melanote pheasants, Impeyan



39 pheasants and Argus pheasants. The number of *Mourning doves* and squirrels  
40 that may be killed in any one day by one person is hereby limited to fifteen.

41 The license fees above provided for shall be paid by the said clerks to the  
42 State Treasurer at the end of each month and shall be placed to the credit of  
43 a fund to be known as the State Game Protection Fund, and shall be disbursed  
44 by the State Treasurer on vouchers certified to by the State Game Commissioner  
45 and approved by the Governor and filed with the Auditor of Public Accounts  
46 who shall draw his warrant therefor on the State Treasurer.

47 Every license issued shall be signed by the licensee in ink, and as afore-  
48 said, shall entitle the person to whom issued to hunt, pursue and kill game  
49 within the State at any time when it shall be lawful to hunt, pursue and kill such  
50 game, and no person to whom a license has been issued shall be entitled to hunt,  
51 pursue or kill game, *crows* or rabbits in this State without at the time of such  
52 hunting, pursuing and killing of game he or she shall have such license in his  
53 or her name and upon his or her person ready to exhibit the same for inspec-  
54 tion, and such license shall be void after the 1st day of June next succeeding its  
55 issuance: *Provided*, that the owner or owners of farm lands, their children (*if*  
56 *residents of the State*), employes or tenants shall have the right to hunt and kill  
57 game on the farm lands of which he or they are the *bona fide* owners or tenants  
58 during the season when it is lawful to kill game without procuring such resident  
59 license.

60 Any person found guilty of violating any of the provisions of this section  
61 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be  
62 fined in any sum not less than twenty-five dollars nor more than fifty dollars for  
63 each and every offense and shall stand committed to the county jail until such  
64 fine and costs are paid, but such imprisonment shall not exceed thirty days for



each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois for the recovery of the penalty herein prescribed.

Sec. 27.. All prosecutions for the violation of the provisions of the Act relating to license shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this Act so far as it relates to licenses, before any court of competent jurisdiction; and it is hereby made the duty of all State's Attorneys to see that the provisions of this Act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this Act; and it is made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against all persons whom there is a reasonable cause to believe are guilty of violating any of the provisions of this Act; one-half of the amount recovered in any penal action under this Act insofar as it relates to license, shall be paid to the person filing the complaint in such action, and the remaining one-half to the State Game Protection Fund; the moneys for such fund shall be by the magistrate or court before whom the case is tried at once transmitted to the State Treasurer and placed by him to the credit of said fund.

Sec. 28. It shall be unlawful for any persons to hunt, with gun or dog, *or allow their dogs to hunt*, within or upon the grounds or lands of another without first obtaining from the owner, agent or occupant of such lands or grounds his, her or their permission so to do.

Sec. 29. Any person or persons violating Section 28 of this Act shall be deemed guilty of a misdemeanor and may be prosecuted in the name of the

3 People of the State of Illinois before any Justice of the Peace or by indictment or  
4 information in any court in any county: *Provided*, that in all such prosecutions  
5 the owner or owners or persons in possession of said grounds or lands shall not  
6 be required to prove title to the grounds or lands in controversy.

Sec. 29 $\frac{1}{2}$ . Section 31 of an Act entitled "An Act for the protection of game,  
2 wild fowl and birds, and to repeal certain Acts relating thereto," approved  
3 April 28, 1903, in force July 1, 1903, as amended by an Act of May 18, 1905, in  
4 force July 1, 1905, as further amended by an Act approved May 28, 1907, in  
5 force July 1, 1907, (be and the same) is hereby repealed.





AMENDMENTS TO

46th Assem.

HOUSE—No. 658

May 1909

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AMENDMENT NO. 1.

Amend House Bill No. 658 by inserting the word "eighteen" after the word "seventeen" in the second line of the title of the bill.

AMENDMENT NO. 2.

Amend House Bill No. 658 by inserting the word "eighteen" after the word "seventeen" in the third line of the enacting clause of said bill.

AMENDMENT NO. 3.

Amend House Bill No. 658 by inserting after section 17 on page 10 of said bill the following, to be known as section 18:

Sec. 18. Such State Game Commissioner shall receive a salary of twenty-five hundred dollars per year and his actual expenses and disbursements while traveling in the line of his duties, and together therewith the compensation hereinafter provided to be paid him for personally superintending the State Game Farm.

He shall also be allowed such printed stationery, postage, office rent, office furniture and supplies, clerical and other assistance, not to exceed ten employees, as is necessary to enable him to properly perform the duties of State Game Commissioner and carry out the provisions of this Act.

The game wardens provided for in this Act shall receive nine hundred dollars per annum, payable monthly. In addition to the salary per annum provided for, such game wardens shall receive their actual and necessary expenses incurred while working under the direction of the State Game Commissioner.

The deputy game wardens appointed for any county shall receive a per diem, when actually employed, not exceeding two dollars per day, and necessary travel-



ing expenses, to be fixed by the State Game Commissioner. Special game wardens appointed under this Act shall serve without pay, except that they shall receive one-half of all fines recovered for violations of this Act in cases where they have filed the complaint. The deputy game wardens shall also receive one-half of all fines recovered for violations of this Act in cases where they file the complaint; the remaining one-half of the fine to be paid into the State Game Protection Fund, and in cases where the violator does not pay a fine but is committed to jail, said deputy and special game wardens shall be reimbursed for their actual expenses; but such expenses shall not be paid in any case other than game cases or cases relating to license.

Should the State Game Protection Fund become exhausted during any year the State Game Commissioner shall have the power and authority to suspend any number or all game wardens or deputies until such fund is again replenished.

Should at any time a surplus accumulate in the State Game Protection Fund, over and above the amount necessary for the operating expenses of the department, the State Game Commissioner shall have the power and authority to use such surplus for the maintenance of a propagating farm for all species of game birds and animals. He is hereby authorized to lease the necessary land for the purpose of propagation, to be known as the State Game Farm, and to raise the necessary food for the game; also to erect and build the necessary fences, buildings, pens and coops for the above mentioned purposes, and as superintendent of the farm he shall be paid one hundred dollars (\$100) per month and living expenses, provided he personally performs the duties. He shall have the authority to engage game-keepers and assistants, not to exceed one person for every five hundred game birds and animals reared. He is further empowered to purchase foreign and domestic game birds and animals for the purpose of restocking sections of the State where there exists a scarcity of the above mentioned game.

All moneys used for the payment of salaries, expenses and other disbursements mentioned in this section, including the salary of the State Game Commis-

sioner, shall be taken from and charged to the State Game Protection Fund, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the same upon the presentation of proper vouchers certified to by the State Game Commissioner and approved by the Governor, and the State Treasurer shall pay the same out of the State Game Protection Fund.

#### AMENDMENT NO. 4.

Amend House Bill No. 658 by striking out in line 3 of section 25 the words "Rabbits, crows" and by striking out in line 51, section 25 the words "Crows or rabbits."

#### AMENDMENT NO. 5.

Amend House Bill No. 658 by striking out all of that part of said bill beginning with the word "or" in line 31, section 1 down to and including the word "thereof" in line 32, and by striking out all of said bill beginning with the word "or" in line 34, section 1 down to and including the word "thereof" in line 35, and by striking out all that part of said bill beginning with the word "or" in line 44, section 1 down to and including the word "thereof" in line 45.

#### AMENDMENT NO. 6.

Amend House Bill No. 658 by striking out in line 11 of section 1 the word "July" and insert in lieu thereof the word "June."

#### AMENDMENT NO. 7.

Amend House Bill No. 658 by inserting in section 29 in line 2 after the word "misdemeanor" the following words: "and shall, upon conviction, forfeit his license."

## AMENDMENT NO. 9.

Amend House Bill No. 658 by striking out in lines 20 and 21 of section 1 of the printed bill the words: "*Provided*, it shall be unlawful to kill wood-ducks at any time of the year from the first day of July, 1909, to the first day of July, 1913."

- 1 Introduced by Committee on License, April 28, 1909.
- 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to amend sections 1 and 10 of an Act entitled “An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition, by like means, of territory so created,” approved May 16, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 1 and 10 of an Act entitled “An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition by like means of territory so created,” approved May 16, 1907, in force July 1, 1907, be and the same are hereby amended so as to read as follows:

8       Sec. 1. The words and phrases mentioned in this section as used in this,  
9 Act and in the proceedings pursuant hereto shall, unless the same be inconsis-  
10 ent with the context, be construed as follows:

11       “Anti-saloon territory” shall mean all territory within the limits of any  
12 town, precinct, city or village in this State in which, through the action of the  
13 legal voters therein as provided by this Act, the sale of intoxicating liquor, ex-  
14 cept as herein provided, is prohibited.

15       “Town” shall include towns in counties under township organization and  
16 incorporated towns, excepting therefrom, however, any territory that lies within  
17 any city or village: *Provided*, that no incorporated town, city or village that  
18 has been heretofore annexed to another incorporated town, city or village  
19 under the provisions of “An Act to provide for the annexation of cities, incor-  
20 porated towns and villages,” approved and in force April 25, 1889, shall be en-  
21 titled to hold an election under the provisions of this Act separately from the  
22 town, city or village to which the same has been annexed.

23       “Precinct” shall mean any “voting precinct” or “election precinct” which  
24 was a subdivision for voting in counties not under township organization at the  
25 general election held on the 6th day of November, A. D. 1906.

26       “Political subdivision” shall mean the phrase “town, precinct, city or village.”

27       “District” shall mean territory in which after the same has become anti-sa-  
28 loon territory the limits of the political subdivision have been changed.

29       In the phrase “Shall this ..... become anti-saloon territory?” the  
30 proper word, whether “town,” “precinct,” “city,” or “village,” shall be un-  
31 derstood to be inserted in the blank, and the same shall be inserted in the peti-  
32 tions filed by and the ballots prepared for the voters of any town, precinct, city  
33 or village.

34       “Said proposition” shall mean the proposition. “Shall this .....  
35 (town, precinct, city or village, as the case may be) become anti-saloon terri-  
36 tory?”



37       “Clerk” shall mean, with reference to towns, cities and villages, the town,  
 38 city or village clerk, as the case may be; with reference to precincts in counties  
 39 not under township organization, it shall mean the county clerk; and it shall  
 40 mean the board of election commissioners of any city, village or incorporated  
 41 town in this State in which there is now or hereafter may be a board of election  
 42 commissioners, and in the provisions of this Act applicable to or within any  
 43 such city, village or incorporated town; “legal voters” shall mean a duly regis-  
 44 tered legal voter.

45       “Election” shall mean, in towns, cities and villages, an election at a time  
 46 fixed by law for choosing town, city or village officers, as the case may be; in  
 47 precincts in counties not under township organization it shall mean an election  
 48 at a time fixed by law for choosing county officers. In cities and villages the  
 49 officers of which shall be chosen for a term of four years, “election” shall also  
 50 mean an election at a time fixed by law for choosing county officers. In no case  
 51 shall it mean a special election to fill a vacancy.

52       “Intoxicating liquor” shall include all distilled, spirituous, vinous, fermented  
 53 and malt liquors, provided they contain, by actual weight, more than 2½ per  
 54 cent of ethyl alcohol.

55       Sec. 10. A vote under the provisions of this Act in and for any political  
 56 subdivision upon the proposition, “Shall this ..... become anti-saloon  
 57 territory?” or in and for any political subdivision or district upon the proposi-  
 58 tion, “Shall this ..... (political subdivision or district) continue to  
 59 be anti-saloon territory?” shall be a bar to the submission to the voters thereof  
 60 of either of such propositions as applied to that identical political subdivision  
 61 or district only, until after the lapse of eighteen months.

62       Nothing in this Act contained shall be construed to prevent any political  
 62 subdivision or district located wholly or partially within another political sub-  
 63 division or district, from submitting either of such propositions, as the case may

64 be, to its voters eighteen months after either of such propositions has been sub-  
65 mitted in either of such political subdivisions or districts.

Sec. 2. Any and all provisions contained in said Act approved May 16, 1907,  
2 in force July 1, 1907, in conflict with the provisions of this Act, are hereby re-  
3 pealed.

AMENDMENT TO

46th Assem.

HOUSE—No. 659

May 1909

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AMENDMENT NO. 1.

Amend House Bill No. 659 by striking out from lines 53 and 54 of the printed bill the words and figures “2½ per cent” and by inserting in lieu thereof the words “one-half of one per cent.”



- 1 Introduced by Mr. Hull, April 29, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

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## A BILL

For an Act prescribing the method under which any city, village or other municipal corporation may issue bonds or other evidences of municipal indebtedness.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever any city, village or other municipal corporation authorized by law to borrow money, desires to borrow money or raise funds for any lawful corporate purpose, the city council of such city, or the president and board of trustees of any such village, or the corporate authorities of any such municipality, may issue interest bearing bonds, or other evidences of indebtedness, pledging the faith and credit of such city, village or other municipal corporation for the payment thereof only as hereinafter provided.



Such issue of bonds or other evidences of indebtedness shall be authorized by ordinance stating the amount of the issue and the purpose or purposes for which the funds realized from such issue are to be used, and also stating the denominations, rate of interest, date of maturity of such issue, and other particular conditions relating thereto, which the city council of any such city, or the president and board of trustees of any such village, or the proper municipal authorities of any such other municipal corporation may prescribe, and providing that the proposition for such issue of bonds shall be submitted to a vote of the electors of such municipality.

Sec. 2. Except as provided in this Act no ordinance authorizing the issue of bonds or other evidences of municipal indebtedness shall take effect and no issue of bonds or other evidences of municipal indebtedness shall be valid unless and until the proposition for the issue of the same shall have been submitted to the voters of any such city, village or other municipality, as the case may be, and been approved by a majority of such voters voting upon the question in the manner hereinafter provided.

Any such proposition shall be submitted at any special or regular election of any such city, village or other municipality occurring not sooner than thirty (30) days from and after the ordinance is enacted.

The provisions applicable to the election of municipal officers shall, as far as practical, govern elections upon any such proposition submitted to the popular vote.

The notice of the election upon which the proposition is to be voted upon shall briefly indicate its substance.

The title, if any, of the ordinance shall be sufficient for that purpose.

The election commissioners, the city or village clerk, or the clerk of any other municipality, as the case may be, shall keep copies of such ordinance containing the proposition to be voted upon at their office for free distribution

20 or for sale at the cost price, as they shall determine, and one or more copies  
21 thereof shall be kept on election day at each polling place for public in-  
22 spection.

Sec. 3. Such proposition to be voted on at any election shall be printed on  
2 a ballot which shall be separate from the ballot for candidates for office.  
3 Below the statement of every such proposition there shall be printed on two  
4 lines: FOR the Bond Issue, AGAINST the Bond Issue, leaving at the end  
5 of each line a square place marked off for the insertion of the voter's mark,  
6 substantially as follows:

7 CAPTION: CITY (OR VILLAGE OR OTHER MUNICIPALITY) BOND  
8 ISSUE.

9 TITLE.....

|                     |  |
|---------------------|--|
| FOR the Bond Issue: |  |
|---------------------|--|

|                         |  |
|-------------------------|--|
| AGAINST the Bond Issue: |  |
|-------------------------|--|

10 Whenever any such proposition is submitted to the voters of any such city,  
11 village or other municipality, the results shall be determined by the number of  
12 votes cast upon that proposition. If the vote upon the proposition is in favor  
13 of its adoption, the ordinance shall take effect in the city, village or other mu-  
14 nicipality for which it has been adopted from the time the result of the election  
15 is ascertained and determined unless a later date is fixed in such ordinance or  
16 by the constitution.

Sec. 4. This Act shall not apply to bonds or other evidences of corporate  
2 indebtedness issued by any city, village or other municipality for the purpose

3 of refunding any indebtedness existing at the time this Act shall go into effect,  
4 nor shall it apply to bonds or other evidences of corporate indebtedness  
5 issued by any city, village or other municipal corporation where the authority  
6 under which such issue is made requires a submission of the question of such  
7 issue to vote of the electors thereof, and prescribes the methods of such election.

- 1 Introduced by Mr. Logan, April 29, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

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## A BILL

For an Act concerning baggage and excess baggage; prescribing the duties of common carriers in reference thereto and fixing their maximum charges for transporting the same; defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That each common carrier in this State which shall  
3 engage in the carriage of passengers by railroad between points in this State  
4 shall receive and transport, with each passenger tendering the same, the per-  
5 sonal baggage of such passenger, not exceeding one hundred fifty pounds  
6 (150 lbs.) for an adult and seventy-five pounds (75 lbs.) for a minor less than  
7 twelve (12) years old, and such personal baggage shall be carried without com-  
8 pensation other than the passenger transportation charge. All baggage as

9 defined by this Act in excess of the weights here specified is hereby declared  
10 to be excess baggage, and such carriers are required to carry such excess bag-  
11 gage with the passenger, as required by this Act: *Provided*, that such carrier  
12 shall be required to carry baggage only on trains equipped with a baggage  
13 car.

Sec. 2. The samples, goods, wares, appliances and catalogues of commer-  
2 cial travelers, or their employers, and used by them for the purpose of trans-  
3 acting their business and carried with them solely for that purpose, when se-  
4 curely packed and locked in substantial trunks or sample cases of convenient  
5 shape and weight for handling, are hereby declared to be baggage within the  
6 meaning of this Act, and such carriers are required to transport the same  
7 with the passengers, as required by this Act.

Sec. 3. No such carrier shall charge for the carriage of excess baggage,  
2 as defined in this Act, in excess of one (1) cent for each three (3) miles for  
3 each one hundred pounds (100 lbs.): *Provided*, that no charge for such excess  
4 shall be less than twenty-five (25) cents when the entire baggage is less than  
5 five hundred pounds (500 lbs.), or less than fifty (50) cents when the entire  
6 baggage is over five hundred pounds (500 lbs.), and in determining the rate,  
7 fractions of less than one-half ( $\frac{1}{2}$ ) mile shall be disregarded and fractions of  
8 one-half ( $\frac{1}{2}$ ) mile or more shall be counted as one mile.

Sec. 4. Any common carrier violating any provision or requirement of this  
2 Act shall be guilty of a misdemeanor and upon conviction thereof shall be  
3 fined not less than twenty-five (\$25) nor more than one hundred (\$100)  
4 dollars.

Sec. 5. In case of the loss of or damage to such samples, goods, wares,  
2 appliances or catalogues of any commercial traveler or his employer, the car-



3 rier shall not be liable for any greater proportion of the value thereof or the  
4 damages sustained thereto than the excess baggage fare paid by the passen-  
5 ger bears to the current rate of freight on such line for like articles in like  
6 packages between the same points.



- 1 Introduced by Mr. H. W. Wilson, April 29, 1909.
- 2 Read by title, ordered printed and referred to Committee on Elections.

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## A BILL

For an Act to amend sections nine (9), ten (10), eleven (11) and thirteen (13) of article II of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections nine (9), ten (10), eleven (11) and thirteen (13) of article II of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 18, 1885, in force July 1, 1885, be and the same is hereby amended to read as follows, to-wit:

7 ARTICLE II.

8 Sec. 9. Said board of commissioners shall, at least sixty days prior to  
9 such election, select and choose five electors, three of whom to be appointed as

10 judges and two as clerks of election for each precinct in such city, village  
 11 or incorporated town. They must be citizens of the United States and en-  
 12 titled to vote in the city, village or incorporated town in which such precinct  
 13 is located at the next election, and they must be men of good repute and char-  
 14 acter, who can speak, read and write the English language and be skilled in  
 15 the four fundamental rules of arithmetic, and they must be of good under-  
 16 standing and capable. They must reside in the precinct of the city, village or  
 17 incorporated town in which they are selected to act: *Provided, however,* that  
 18 said commissioners, when especially authorized by the county court to do so,  
 19 may select and choose one or more electors of such city, village or incorpor-  
 20 ated town as judges and clerks, respectively, to act in precincts in which such  
 21 judges and clerks do not reside. No person shall be qualified to act as judge  
 22 or clerk who holds any office of employment under the United States, the State  
 23 of Illinois, or under the county, city, village or incorporated town in which  
 24 such election is to be held, and they must not be candidates for any office at  
 25 the next ensuing election. Being a notary public shall be no disqualification  
 26 for judge.

27       Sec. 10. Each and every person so selected by the board of election com-  
 28 missioners shall be notified of the fact of his selection, with direction to ap-  
 29 pear within the time fixed in the notice before such board for the purpose  
 30 of examination; and if upon examination he is found qualified he shall, unless  
 31 excused by such commissioners by reason of ill health or old age, be bound  
 32 to serve as such officer for the term of one year, if his appointment shall be  
 33 confirmed by the county court. Said commissioners shall keep books in which  
 34 shall be written down the names of all such judges and clerks agreed upon be-  
 35 fore such notification to appear before them; and if, when they appear, they  
 36 shall be rejected for want of qualification, such fact shall be noted on said  
 37 books opposite their names; and if excused on the ground of ill health or old

age, such fact shall be noted; in like manner, also, if they do not appear for examination, such fact shall be noted. No person shall be compelled to serve as judge or clerk for three years after the expiration of his term of service. The judges and clerks of election shall be exempt from jury duty during the term of their service and for two years thereafter. In case such person so selected and notified to appear for examination shall not appear before such board as required; or, if he does appear and shall refuse to serve, he shall be considered as guilty of contempt, and shall be fined by the county court in any sum not less than five dollars (\$5) nor more than one hundred dollars (\$100), for use of proper county, unless good cause be shown for such default; and it shall be the duty of the court to order a writ of attachment, returnable forthwith, against all such delinquents, and upon the return thereof the court shall proceed to assess said fine, unless the person or persons so attached show good cause for such delinquency: *Provided*, that the oath or affirmation of such delinquent shall, at all times, be received as competent evidence.

Sec. 11. In the selection of judges of election, at least one judge shall be selected from one (each) of the two leading political parties or organizations of the State to serve in each precinct, and one clerk of election shall be selected from each of the two leading political parties of the State to serve in each precinct. Each of the commissioners shall have a veto upon the proposed selection or nomination of any judge or clerk; and if, in any instance, in consequence of such veto, the board cannot agree upon such appointments, then the names of six persons who are eligible shall be selected for judge or clerk, as the case may be, by the commissioner or commissioners belonging to the leading political party entitled to be represented by such judge or clerk; and out of said six names the other commissioner or commissioners representing the other leading political party of the State, shall select the



66 name of such judge or clerk, if otherwise eligible, and not excused for cause,  
 67 and if he shall be confirmed by the county court. In case the persons so se-  
 68 lected for judges or clerks do not appear for examination or notification,  
 69 then some other persons shall be selected and notified, as aforesaid, until some  
 70 eligible person is found to serve. In all cases where the parties aforesaid do  
 71 not appear and be examined, or if they do appear and refuse to serve, they  
 72 shall, upon conviction, be considered as guilty of contempt, and shall be fined  
 73 by the county court in any sum not less than five dollars (\$5) nor more than  
 74 one hundred dollars (\$100), for use of proper county, unless good cause be  
 75 shown for such default; and it shall be the duty of the court to order a writ  
 76 of attachment, returnable forthwith, against all such delinquents, and upon  
 77 the return thereof the court shall proceed to assess said fine unless the person  
 78 or persons so attached shall show good cause for such delinquency: *Pro-*  
 79 *vided*, that the oath or affirmation of such delinquent shall, at all times, be re-  
 80 ceived as competent evidence.

81       Sec. 13. After the judges and clerks are selected and examined, then a  
 82 report of such selection shall be made and filed in the county court, and ap-  
 83 plication shall then be made by said board to said court for their confirma-  
 84 tion and appointment, whereupon the county court shall enter an order that  
 85 cause be shown, if any exists, against the confirmation and appointment of  
 86 such persons so named, on or before the opening of the court, on a day to  
 87 be fixed by the court. And said board of commissioners shall immediately  
 88 give notice of such order and the names of all such judges and clerks so re-  
 89 ported to such county court for confirmation, and their residence and the  
 90 precinct for which they were selected, causing the same to be published in one  
 91 or more newspapers in such city, village or incorporated town; and if no news-  
 92 paper be published in such village or incorporated town, then by posting such  
 93 notice in three of the most public places in such city, village or town; and if

94 no cause to the contrary be shown prior to the day fixed, such appointments  
95 shall be confirmed by order entered by that court.

96 If objections to the appointment of any such judge or clerk be filed with,  
97 in the time aforesaid, the court shall hear such objections and the evidence  
98 introduced in support thereof, and shall confirm or refuse to confirm  
99 such nominations, as the interests of the public may require. No reasons  
100 may be given for the refusal to confirm. If any vacancies shall exist by  
101 reason of the action of such board or otherwise, at any time, the said board  
102 of commissioners shall further report and nominate persons to fill such vacan-  
103 cies so existing in the manner aforesaid. Upon the confirmation of such judges  
104 and clerks, at any time, a commission shall issue to each of such judges  
105 or clerks, under the seal of such court, and appropriate forms shall be pre-  
106 pared by said board of commissioners for such purpose. After such confirm-  
107 ation and issuance of such commission, such judges and clerks shall there-  
108 upon become officers of such court, and shall be liable in a proceeding for  
109 contempt for any misbehavior in their office, to be tried in open court on oral  
110 testimony in a summary way, without formal pleadings; but such trial or pun-  
111 ishment for contempt of court shall not be any bar to any proceedings  
112 against such officers, criminally, for any violation of this Act. Where a  
113 vacancy shall occur so late that application to and confirmation by the court  
114 cannot be had before the election, then said board of commissioners shall  
115 make an appointment and issue a commission to such officer or officers, and  
116 when thus appointed such officer shall be considered an officer of the county  
117 court, and subject to the same rules and punishments in case of misbehav-  
118 ior as if confirmed by said court; and any judge or clerk, however appointed,  
119 and at whatever time, shall be considered an officer of court, and be sub-  
120 ject to the same control and punishment in case of misbehavior. Said board  
121 of commissioners shall have the right at any time, in case of misbehavior or

122 neglect of duty, to remove any judge of election or clerk of election, and  
123 cause such vacancy to be filled in accordance with this Act. The judges and  
124 clerks of election must be appointed and confirmed at least thirty-five days  
125 prior to the next election. If any vacancy shall occur or exist more than five  
126 days before the election, the judges and clerks appointed to such places must  
127 be confirmed by such court. Such commissioners shall not voluntarily re-  
128 move any judge or clerk within five days of such election, except for flagrant  
129 misbehavior, incapacity or dishonesty. And the reasons therefor must after-  
130 wards be reported in writing to such court; and if the removal be willful and  
131 without cause, said commissioners shall be guilty of a misdemeanor under this  
132 Act, and be subject to removal.

- 1 Introduced by Mr. Scott, April 29, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

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## A BILL

For an Act to amend section one (1) of an Act entitled "An Act to provide for annexing and excluding territory to and from cities, towns and villages," approved April 10, 1872, in force July 1, 1872; as amended by an Act approved May 10, 1901, in force July 1, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1) of an Act entitled "An Act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages," approved April 10, 1872, in force July 1, 1872; as amended by an Act approved May 10, 1901, in force July 1, 1901, be and the same is hereby amended to read as follows:

7       Sec. 1. That on petition, in writing, signed by *one-fifth (1-5)* of the legal  
8 voters and by *one-fifth (1-5)* of the property owners, representing *one-fifth*  
9 *(1-5)* of the territory to be annexed, in any territory contiguous to any city or



10 incorporated village or town, and not embraced within its limits, the city coun-  
11 cil or board of trustees of said city, village or town (as the case may be) shall  
12 submit to a vote of the people of said city, village or town (as the case may  
13 be) at its next regular election, or a special election to be called within sixty  
14 (60) days after said petition is presented, the question of the annexation of  
15 such proposed territory: *Provided, however,* that where the said petition shall  
16 be presented within ninety (90) days prior to a regular election no special elec-  
17 tion shall be called: *Provided, further, that the people residing in the territory*  
18 *proposed to be annexed to such city, village or town (as the case may be) shall*  
19 *be entitled to a vote on the proposed annexation.* In case the question of such  
20 annexation shall receive a majority of all the votes cast at said election in favor  
21 thereof, the city council or board of trustees of said city, village or town  
22 (as the case may be) shall, within ninety (90) days thereof, by ordinance, annex  
23 such territory to such city, village or town, upon filing a copy of such ordi-  
24 nance, with an accurate map of the territory annexed (duly certified by the city  
25 clerk of the city or president of the board of trustees of the village or town),  
26 in the office of the recorder of deeds in the county where the annexed terri-  
27 tory is situated, and having the same recorded therein: *Provided, that nothing*  
28 *in this section contained shall authorize said ordinance unless the territory*  
29 *sought to be annexed shall contain an actual residence population of not less*  
30 *than one hundred (100) inhabitants: Provided, further,* that no portion less  
31 than the whole of an incorporated city, town or village shall be annexed to  
32 another incorporated city, town or village, except in the mode provided in this  
33 Act for the annexation of the whole of an incorporated city, town or village  
34 to another city, town or village.



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- 1 Introduced by Mr. McLaughlin, April 29, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Corporations.

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## A BILL

For an Act concerning corporations organized for profit in this State and in other states and doing business in Illinois, and to repeal all laws now existing which conflict therewith.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That this Act may be cited as The Business Corpor-  
3 ation Law, and shall apply to all corporations heretofore or hereafter incorpor-  
4 ated under the laws of this State, and to all corporations heretofore or here-  
5 after incorporated under the laws of any other state, territory, province or gov-  
6 ernment, and doing business within this State, which have a capital stock and  
7 have been incorporated for the purpose of doing any lawful business, except  
8 banking, insurance, real estate, the operation of railroads and the business of  
9 loaning money: *Provided*, that it shall be lawful to incorporate for the pur-  
10 pose of owning and operating an office building only.

11 All such corporations shall be subject to the provisions of this Act, and  
12 those of all laws hereafter enacted which may affect, alter or terminate their  
13 corporate rights, powers or duties.

Sec. 2. Every corporation which is subject to the provisions of this Act,  
2 shall have the following powers, rights and privileges:

3 a. To have exclusive succession in its corporate name, for a period of not  
4 exceeding ninety-nine (99) years.

5 b. To sue and be sued in its corporate name.

6 c. To have a common seal, and alter the same at any time.

7 d. To have a capital stock of such an amount, and divided into shares of  
8 such par value as may be provided in the articles of incorporation or amend-  
9 ments thereof.

10 e. To lease, purchase, own, possess and enjoy so much real and personal  
11 property as may be necessary for the transaction of the business of such cor-  
12 poration, and may lease, mortgage or sell any or all of such real or personal  
13 property, at pleasure, out of this State as well as within it.

14 f. To make contracts, incur liabilities, borrow money and have and exer-  
15 cise all the powers necessary and requisite to carry into effect the object for  
16 which such corporation was formed.

17 g. To assume any name which shall indicate that it is a corporation dis-  
18 tinguished from a natural person or partnership: *Provided*, such name is not  
19 that of another corporation, or similar thereto, that has been doing business in  
20 this State within five years prior thereto, unless the consent in writing of such  
21 existing corporation is previously filed with the Secretary of State.

22 h. To elect officers, define their duties and fix their compensation.

23 i. To make by-laws not inconsistent with the laws of this State, for the  
24 administration of the business and interests of such corporation, fixing the  
25 number of directors (which shall not be of a less number than three), provid-

ing for the certification and transfer of its capital stock and the time for the election of directors and officers.

j. To transact any part of its business outside of this State, and hold the annual and special meetings of stockholders and the meetings of the board of directors outside of this State, as well as within it.

k. To cease doing business and surrender its charter.

Sec. 3. Three or more persons desiring to form a corporation may enter into an agreement in writing, which shall set forth the following:

a. The name of the proposed corporation.

b. The object for which it is to be formed.

c. The location of the principal office of the corporation in this State, and elsewhere in case the corporation is expected to do business outside of this State.

d. The total amount of its capital stock, which shall not be less than five thousand (\$5,000) dollars, to be authorized, the par value of the shares, which shall not be less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars; the number of shares into which the capital stock is to be divided, and if there is to be more than one class of stock created, a description of the different classes, the total amount of each class and the relative interest each class shall represent; and the restrictions, if any, imposed upon their transfer.

e. The amount of capital stock to be issued when the incorporation is completed, which shall be at least two thousand (\$2,000) dollars, par value; the names, places of residence and number of shares of such stock subscribed for by the subscribers, respectively, the amount each is to pay in cash, and when and how the remainder is payable.

f. If any portion of the capital stock of the proposed corporation is to be paid for in property, consisting of real estate, its location, character and the amount of stock to be issued therefor shall be fully stated; if any portion of

23 such stock is to be paid for in personal property, it shall be fully described in  
 24 detail, and the amount of stock to be issued therefor, stated. If any portion  
 25 of such stock is to be paid for in patents, the date and patent office number of  
 26 such patents shall be given, and the amount of stock to be issued therefor,  
 27 stated.

28 g. The number of directors which shall constitute the board thereof, and  
 29 the name and postoffice address of each director and officer of the proposed  
 30 corporation. At least one director shall be a resident of this State.

31 h. Any other provisions for the regulation of the business and conduct  
 32 of the affairs of the corporation, and creating, defining, limiting and regulat-  
 33 ing the powers of the corporation, and of the directors, officers and stock-  
 34 holders thereof: *Provided*, such provisions are not inconsistent with the laws  
 35 of this State.

36 i. The agreement shall be signed by each subscriber to the stock to be  
 37 issued, upon the incorporation being completed and acknowledged by each sub-  
 38 scriber before an officer authorized by law to take acknowledgments of deeds  
 39 in this State. Where stock is issued for anything except money, the actual  
 40 value of the property thus acquired must be fairly as great as that of the par  
 41 value of the stock issued therefor, otherwise, a liability to creditors for the  
 42 difference shall exist upon such stock.

Sec. 4. The agreement to form a corporation shall be filed in the office of  
 2 the Secretary of State and the fees for such incorporation, as hereinafter pro-  
 3 vided, shall be thereupon paid to such official.

4 The Secretary of State shall immediately thereafter examine such agree-  
 5 ment, and may require such amendment or additional information as may  
 6 be lawful. When he finds that the provisions of the agreement conform  
 7 to this Act, he shall issue a certificate of organization to the corporation, mak-  
 8 ing a part thereof, a copy of the agreement filed in his office, duly authenticated



9 under his hand and seal of State; and the same shall be recorded in a book for  
10 that purpose in the office of the Recorder of Deeds in the county where the  
11 principal office of such corporation is located. Upon filing such certificate and  
12 copy for record, the corporation shall be deemed fully organized, and may pro-  
13 ceed to business by the name set forth in the certificate. If the persons signing  
14 such agreement transact any business or incur liabilities as a corporation before  
15 recording such certificate and copy, they shall be jointly and severally liable for  
16 any indebtedness or liabilities incurred before said papers have been recorded.

Sec 5. Every corporation may determine by its by-laws the time and place  
2 within this State, of holding and the manner of conducting the meetings of  
3 its stockholders. Meetings of the directors may be held at such places within or  
4 without this State as may be provided by the by-laws: *Provided*, the officers  
5 shall be elected annually, and the directors may be divided into classes and each  
6 class be elected for a period not exceeding three years, as may be fixed by the by-  
7 laws. The number of directors, the number of stockholders and of directors  
8 necessary to constitute a quorum, the manner of calling regular and special  
9 meetings of stockholders and of directors, and the creation of an executive  
10 committee, number of members thereof and the duties delegated to it, may be  
11 provided for by the by-laws. The by-laws may, also, contain such other reason-  
12 able provisions as the nature of the corporate business may require, and which  
13 are not inconsistent with the laws of this State.

Sec. 6. The corporate powers shall be exercised by the board of directors,  
2 and each member thereof shall hold office for the period of one year from the  
3 date of the annual meeting of the stockholders, and until their successors are  
4 chosen: *Provided*, that it shall be lawful for the stockholders, at the annual  
5 meeting thereof, by resolution, to divide the board of directors into three  
6 classes, numbered consecutively, the term of office of the first class to expire on



7 the day of the annual election of such corporation next ensuing; the second  
8 class, one year thereafter; and the third class, two years thereafter. At each  
9 annual election, after such classification, the stockholders shall elect, for a term  
10 of three years, a number of directors equal to the number of the class whose  
11 term expires on the day of such election. All other vacancies except in the  
12 board of directors may be filled in accordance with the provisions of the by-laws.

13 Any meeting of the board of directors shall be legal, if all members of the  
14 board are present and consent to such meeting being held, or by a writing  
15 which is made a part of the records of the meeting, waive notice thereof.

Sec. 7. The shares of stock shall be deemed personal property, and trans-  
2 ferable on the books of the corporation in the manner provided by the by-laws,  
3 and subscriptions therefor shall be made payable to the corporation, and shall  
4 be payable in such installments and at such time or times as shall be determined  
5 by the directors; and any action may be maintained, in the name of the cor-  
6 poration, to recover any portion of an installment which shall remain due and  
7 unpaid for the period of twenty days after personal demand therefor, or for a  
8 like period after a written demand has been deposited in the postoffice, properly  
9 addressed to the postoffice address of the stockholder. The directors may, by  
10 by-laws, prescribe other penalties for a failure to pay installments that may  
11 become due; but no penalty working a forfeiture of stock, or the amounts paid  
12 thereon, shall be declared, as against any estate before distribution shall have  
13 been made, or against any stockholder before personal or written demand has  
14 been made, as above provided. In the event of the sale of the shares by reason  
15 of any forfeiture, the surplus over the amount due on such shares shall be paid  
16 to the delinquent stockholder or his legal representatives.

Sec. 8. Every certificate for stock shall state the number of shares, the  
2 name of the holder and whether or not such shares have been fully paid up.  
3 If not fully paid, the stock certificate shall be legibly stamped with the words,

4 “—— per cent paid up,” and as further payments are made thereon, the  
5 certificate shall be stamped accordingly. No stock shall be issued at any time  
6 unless the cash, so far as due, or the property for which it was authorized to  
7 be issued, has been actually received by the corporation; and it shall be the  
8 duty of every officer and director signing or issuing or authorizing the issu-  
9 ance of any stock to endeavor in good faith, to ascertain, before it is issued,  
10 the manner in and the extent to which such stock has been paid. If any officer  
11 or director shall sign or issue or cause to be issued a certificate containing  
12 any false statement knowing the same to be false, or without such knowledge  
13 if he shall not have endeavored in good faith to have ascertained the facts,  
14 he shall be liable to any person injured for all damages occasioned thereby.

Sec. 9. The certificate of stock issued by a corporation may be transfer-  
2 red by endorsement and delivery. The delivery of a certificate of stock to a  
3 bona fide purchaser or pledgee for value, together with a written transfer of  
4 the same, or written power of attorney to sell, assign and transfer the same,  
5 signed by the owner of the certificate, shall be a sufficient delivery to transfer  
6 the title to the shares represented by such certificate, against all parties. No  
7 transfer shall affect the right of the corporation to treat the holder of record  
8 on the books of the corporation as the holder in fact, until such transfer is  
9 recorded or a new certificate issued to the person to whom it has been so trans-  
10 ferred. Every assignee or transferee of stock shall be liable to the corporation  
11 for the amount unpaid thereon; or in the event of the insolvency of the corpo-  
12 ration, to its creditors, to the extent and in the same manner as if he had been the  
13 original subscriber or holder thereof, and as such had only paid the amounts  
14 theretofore received by the corporation on account of such stock: *Provided*,  
15 he had notice that the stock was not fully paid when he received it.

Sec. 10. No corporation shall take as security for any debt, a lien upon  
2 any of its share of stock, or be the holder or purchaser of any part there-

3 of, after the same has been issued to a stock subscriber or holder, unless such  
4 lien or purchase shall be necessary to prevent loss upon a debt previously con-  
5 tracted, except as hereinafter provided.

Sec. 11. No stock shall be voted on at any election, which shall have been  
2 transferred on the books of the company within twenty days next preceding  
3 such election; and it shall be the duty of the officer having charge of the  
4 transfer books, upon a written request from any stockholder, to prepare and  
5 make, at least ten days before every election, a complete list of stockholders  
6 entitled to vote, arranged alphabetically, together with the number of shares  
7 held by each. Such list shall be open, at the principal office or place of elec-  
8 tion, during the whole time thereof, and subject to the inspection of any stock-  
9 holder.

10 Upon the refusal of the official whose duty it may be to produce such list  
11 at any election, he shall be ineligible to any office at such election. The stock  
12 ledger or transfer book of the company shall be the only evidence as to who  
13 are the stockholders entitled to examine such list or the books and accounts  
14 of the corporation or to vote, in person or by proxy, at any election. The  
15 books kept for transferring stock and the names and addresses of the stock-  
16 holders shall, during the usual business hours, be open to examination for  
17 all proper purposes by every stockholder at its principal office or place of  
18 business in this State, and such books and certified copies thereof shall be  
19 competent evidence in all courts in this State. In all elections for directors,  
20 every stockholder shall have the right to vote in person, or by proxy, the  
21 number of shares standing in his name on the books of the corporation, for as  
22 many persons as there are directors to be elected, or to cumulate such shares  
23 and give one candidate as many votes as the number of directors multiplied  
24 by the number of his shares of stock shall equal; or to distribute them on the  
25 same principle, among as many candidates as he shall think fit.



Sec. 12. Any officer or director who prevents access to the books and records mentioned in the foregoing section shall be liable to the party denied such access in a penalty equal to 10 per centum of the par value of the stock owned by such party recoverable by him in an action at law in any court of competent jurisdiction.

Sec. 13. There shall be an annual meeting of the stockholders held within ninety days after the end of the fiscal year of the corporation. A written or printed notice, stating the place, day and hour of such meeting, shall be mailed by the secretary of the corporation, at least ten days before such meeting, to each stockholder, at his residence or place of business, as such address, appears upon the books of the corporation. The holders of a majority of all the stock issued, outstanding and entitled to vote, shall constitute a quorum.

Notice of all special meetings of the stockholders shall state the purpose for which the meeting is called. Special meetings of the stockholders may be called by the president, or by a majority of the board of directors, or by stockholders holding one-fifth of the stock issued and outstanding, upon giving to each stockholder at least ten days' notice, in the manner prescribed for annual meetings. No corporation shall, directly or indirectly, vote or permit to be voted any stock unissued. No stock upon which any installment is due and unpaid at the time of the annual election, or of a special meeting of the stockholders, can be voted at such election or meeting until all arrearages have been paid. Shareholders may be represented by proxies granted not more than sixty days before the meeting is held at which they are voted.

The owner of shares shall be recognized as such as long as he has not absolutely transferred his interest therein; and no pledgee or person claiming a lien upon such stock shall be recognized as possessed of voting power, unless such voting power has been specially conferred in writing

Sec. 14. No person holding stock as executor, administrator, conservator,  
2 guardian, trustee or pledgee shall be personally liable as a stockholder; but  
3 the owner of the legal title thereto, or his estate, shall be so liable.

Sec. 15. Every executor, administrator, conservator, guardian or trustee  
2 may vote the stock in his hands at all meetings of the corporation.

Sec. 16. Dividends to stockholders shall only be made from the surplus  
2 or net profits arising from the business of the corporation. All directors and  
3 officers by whose votes a dividend is declared upon the capital stock in excess  
4 of the net profits, or a division of the assets of the corporation is made, so  
5 that the stockholders or any of them, receive any part of the capital stock, or  
6 of the assets representing the capital stock, shall be jointly and severally liable  
7 to the amount of the capital or assets so distributed for all the debts of such  
8 corporation then existing and for all that may hereafter be contracted while  
9 they, respectively, continue in office, until the capital or assets so distributed is  
10 restored.

Sec. 17. Any corporation may change the par value of the shares without  
2 changing the amount of its capital, by a two-thirds vote of the stock outstand-  
3 ing, at any annual meeting of the stockholders, or at a special meeting called  
4 for that purpose.

Sec. 18. Whenever the board of directors of a corporation may desire to  
2 change the name, place of business, enlarge or change the object for which such  
4 corporation was formed, extend the period of its existence, increase or decrease  
5 its capital stock, create more than one class of stock, increase or decrease the  
6 number of directors, or lease, exchange or sell all or part of the corporate assets  
7 other than merchandise, consolidate with another corporation or corporations or  
8 wind up the corporation, they may call a special meeting of the stockholders



9 of such corporation for the purpose of submitting to a vote of the stockholders  
10 such proposition or propositions, as the case may be.

11 No name shall be assumed or adopted which is similar to or liable to be  
12 mistaken for the name of any other corporation that has been doing business  
13 in this State within five years prior to the date of such proposed change, unless  
14 the consent in writing of such existing corporation is previously filed with the  
15 Secretary of State; nor shall a change of the place of doing business within  
16 this State be made from any town, county or municipality where such town,  
17 county, or municipality, or any of the inhabitants thereof, or any person or  
18 persons interested therein, shall have donated or in any manner contributed  
19 any money or other valuable thing to induce such corporation to locate in  
20 such town, county or municipality, until the money or other property, or the cash  
21 value thereof, is returned to such donor or contributor.

Sec. 19. The special meeting provided for in the foregoing section shall  
2 be called in the same manner as elsewhere prescribed in this Act for calling  
3 special meetings of stockholders; and the stock may be voted by the holder  
4 thereof in person or by proxy. If such proposed action shall be supported by  
5 a two-thirds vote of all the stock then outstanding, a petition reciting such  
6 action and the vote by which the same was adopted, and asking that such  
7 change be authorized, shall be signed and verified by the president and filed  
8 in the office of the Secretary of State. The Secretary of State may require such  
9 amendments, alterations or corporate action as may be lawful. Upon  
10 such petition being approved by the Secretary of State, he shall issue a  
11 certificate authorizing the changes requested and shall attach to such certifi-  
12 cate a copy of the petition therefor and of all other papers relating thereto.  
13 Upon the filing of such certificate and attached copies for record in the office  
14 of the recorder of deeds of the county in which the principal office of such  
15 corporation is located, the changes so certified shall be authorized: *Provided,*

16 that if such change increases the capital stock or creates a new corporation with  
17 a capital stock greater than that of the corporations consolidated, the fees for  
18 such increase shall accompany the petition; and in all other cases the fees pro-  
19 vided in this Act shall be paid in advance of any action by the Secretary of  
20 State. No such proceeding shall affect any cause of action in favor of or  
21 against such corporation, or any pending suit in which such corporation shall  
22 be a party, nor the rights of persons in any particular, nor shall suits brought  
23 against such corporation by its former name be abated for that cause.

Sec. 20. Every corporation may create two or more classes of stock with  
2 preferences as to dividends and distribution among stockholders. The provi-  
3 sions therefor shall be contained in the agreement of association, or in an  
4 amendment to such agreement, authorized by the vote of all of the stockholders,  
5 as provided herein.

Sec. 21. A stockholder in an Illinois corporation shall not be held liable  
2 for the debts thereof, because of the unpaid portion of his stock liability, until  
3 the corporation has been adjudged bankrupt, or an execution upon a judgment  
4 or decree of a court of record for the payment of money, after demand made  
5 by the officer, has been returned "no property found," or has remained unsat-  
6 isfied for ten days after such demand, or the corporation has dissolved or  
7 ceased doing business, leaving debts unpaid. After such adjudication of bank-  
8 ruptcy, or after the execution has been so returned, or after ten days subse-  
9 quent to such demand, or after such dissolution or cessation of business, the  
10 secretary or other officer of the corporation who has charge of the stock rec-  
11 ords of the corporation, upon request of any creditor of the corporation, or his  
12 attorney, shall furnish to him a certified list of the names and postoffice ad-  
13 dresses of all persons who were stockholders in such corporation at the time  
14 when the liability to be enforced against them personally accrued; also with

15 the number of shares held by each stockholder and the amount remaining un-  
16 paid on their respective shares, together with the names and postoffice ad-  
17 dresses of all of the officers and directors of the corporation. In case of fail-  
18 ure or refusal to furnish such list within three days after such demand, a peti-  
19 tion may be presented to the judge of any court of general jurisdiction of the  
20 county in which the principal office of such corporation is located; and he  
21 shall have jurisdiction, after two days' notice has been given such secretary or  
22 officer, to enter an order directing the delivery of such list; and a failure to  
23 comply with such order may be treated as a contempt of such court and pun-  
24 ishment accordingly inflicted. After an adjudication of bankruptcy, or after  
25 an execution has been so returned, or has remained unsatisfied for more than  
26 ten days after a demand made, or after such dissolution or cessation leaving  
27 debts unpaid, any creditor may bring suit in equity, in any court having gen-  
28 eral jurisdiction in the county within which the principal office of the corpora-  
29 tion is located, in behalf of himself and of all other creditors of the corpora-  
30 tion, against all persons who were stockholders at the time or liable in any  
31 way for the debts of the corporation, by joining the corporation in such suit;  
32 and each stockholder may be required to pay his *pro rata* share of such debts  
33 or liabilities, to the extent of the unpaid portion of his stock; and if any stock-  
34 holder shall not have property enough to satisfy his portion of such debts  
35 or liabilities, then the amount shall be divided among all the remaining sol-  
36 vent stockholders; and courts of equity shall have full power to dissolve or  
37 close up the business of any corporation so in default, appoint a receiver  
38 therefor, who shall have authority, by the name of such corporation (giving  
39 the name) to sue in all courts and do all things necessary to close up its  
40 affairs, as commanded by the decree of such court. Such receiver shall be  
41 in all cases a resident of the State of Illinois, and shall be required to enter  
42 into bonds, payable to the People of the State of Illinois, for the use of the



43 parties interested, in such penalty and with such sureties as the court may,  
44 in the order or decree appointing the same, require.

45 In all cases of suits for or against such receiver or the corporation of  
46 which he may be receiver, writs may issue in favor of such receiver or cor-  
47 poration, or against him or it, from the county where the cause of action ac-  
48 crued to the sheriff of any county in this State for service. Such court may,  
49 without waiting until the assets have been exhausted, make such orders con-  
50 cerning the unpaid liability of stockholders, either as to payment of install-  
51 ments or otherwise, as may seem equitable.

Sec. 22. All creditors shall file proofs, under oath, of their respective  
2 claims against the corporation with the clerk of the court in which the suit  
3 mentioned in the foregoing section is pending, within such time as the court  
4 shall direct; and all creditors and claimants failing to do so, within the time  
5 so limited, may, by direction of the court, be barred from participating in the  
6 distribution of the assets of the corporation; the court may also prescribe what  
7 notice, by publication or otherwise, shall be given to creditors of the time fixed  
8 for the filing and making proof of their claims.

Sec. 23. If the indebtedness of any stock corporation shall exceed the  
2 amount of its capital stock then outstanding, the directors and officers of such  
3 corporation holding office at the time such excess debt was contracted shall be  
4 personally and individually liable for such excess to creditors of such corpo-  
5 ration.

Sec. 24. Before the payment of any part of the capital and before be-  
2 ginning the business for which the corporation was created, the incorporators  
3 named in any certificate of incorporation may surrender all of their corporate  
4 rights and franchises by filing in the office of the Secretary of State a certifi-  
5 cate, verified by the oath or affirmation of a majority of the incorporators who

6 signed the agreement to form the corporation that no part of the capital has  
7 been paid and such business has not been begun, and surrender all rights and  
8 franchises, and thereupon the said corporation shall be dissolved.

Sec. 25. Any corporation organized under this Act shall forfeit all rights,  
2 privileges and franchises thereunder, if it shall fail, for two years after its  
3 organization, to commence in good faith the business or to promote the objects  
4 or purposes for which it was organized.

Sec. 26. Copies of all articles of incorporation and changes thereof, cer-  
2 tified by the Secretary of State, or by the recorder of deeds of the county in  
3 which the same have been recorded, shall be taken and received in all courts  
4 and places as *prima facie* evidence of the facts therein stated.

Sec. 27. All corporations organized under the laws of this State, whose  
2 powers may have expired by limitation or otherwise, shall continue their cor-  
3 porate capacity during the term of two years for the purpose only of collect-  
4 ing debts due said corporation and selling and conveying the property and  
5 effects thereof.

Sec. 28. The dissolution, for any cause whatever, of any corporation, shall  
2 not take away or impair any remedy given against such corporation, its offi-  
3 cers or stockholders, for any liabilities incurred previous to its dissolution:  
4 *Provided*, suit therefor is brought and service of process had within two years  
5 after such dissolution.

Sec. 29. If any person or persons, being or pretending to be, an officer or  
2 agent or board of directors of any stock corporation, or pretended stock cor-  
3 poration, shall assume to exercise corporate powers or use the name of any  
4 such corporation or pretended corporation before it has been authorized to do  
5 business, as prescribed in this Act, then they shall be jointly and severally



6 liable for all debts and liabilities made by them and contracted in the name of  
 7 such corporation or pretended corporation, and suits at law may be prosecuted  
 8 therefor by creditors individually.

Sec. 30. In all cases where it is not otherwise provided by the by-laws,  
 2 the meetings of the stockholders and directors of every corporation incorpor-  
 3 ated under the laws of this State shall be held at its principal office in this  
 4 State. Every corporation, whether incorporated under the laws of this State  
 5 or elsewhere and doing business within this State, shall maintain an office or  
 6 place of business in this State and have an agent resident of this State in charge  
 7 thereof.

Sec. 31. Any corporation organized under the laws of this State may pur-  
 2 chase, own, sell, assign, transfer, mortgage, pledge or otherwise dispose of the  
 3 shares of stock of any other corporation or corporations and may exercise all  
 4 the rights, powers and privileges of ownership thereof: *Provided, however,*  
 5 that if a corporation purchases, or attempts to purchase the shares of the  
 6 capital of any other corporation for the purpose of regulating or controlling  
 7 or which would have a tendency to regulate or control the price or limiting the  
 8 quantity of any article, commodity or merchandise, manufactured, mined, pro-  
 9 duced or sold in this State, all right, interest and title in and to such stock shall  
 10 remain in the party from whom it was attempted to be acquired.

Sec. 32. Every corporation, whether incorporated under the laws of this  
 2 State or under the laws of another state, territory or government and having  
 3 a place and doing business in this State, shall, on or before the first day of  
 4 February next, and annually thereafter, prepare and file with the Secretary  
 5 of State a report of its condition, which shall be signed and sworn to by its  
 6 president, treasurer or other proper officer, stating:

- 7        1. The name of the corporation, when and where incorporated.
- 8        2. The location (with street address) of its principal office in this State,
- 9        and elsewhere, in case of a corporation organized to do business outside of this
- 10       State.
- 11       3. Total amount of its authorized capital stock.
- 12       4. Total amount of its capital stock outstanding on December 31, preced-
- 13       ing such report.
- 14       5. The classes (if more than one) into which the capital stock is divided,
- 15       par value of such shares and amount paid to such corporation upon each class
- 16       of stock prior to December 31 preceding such report, and the manner of such
- 17       payment.
- 18       6. The names and addresses of all officers and directors of the corpora-
- 19       tion, and the date at which the term of office of each expires.
- 20       7. The assets and liabilities of the corporation as of the date of the end
- 21       of its last fiscal year, to be made substantially in the following form:

|    |   |         |  |
|----|---|---------|--|
| 22 |   | ASSETS. |  |
| 23 | Real estate.....  | \$..... |  |
| 24 | Machinery .....   | \$..... |  |
| 25 | Merchandise (manufactures, merchandise, material and stock in |         |  |
| 26 | process) .....  | \$..... |  |
| 27 | Cash .....  | \$..... |  |
| 28 | Debts receivable.....   | \$..... |  |
| 29 | Patent rights.....  | \$..... |  |
| 30 | Good will.....  | \$..... |  |
| 31 | Profit and loss.....  | \$..... |  |
| 32 | Total .....   | \$..... |  |

|    |                          |         |
|----|--------------------------|---------|
| 33 |                          |         |
|    | LIABILITIES.             |         |
| 34 | Capital stock.....       | \$..... |
| 35 | Bonded indebtedness..... | \$..... |
| 36 | Bills payable.....       | \$..... |
| 37 | Accounts payable.....    | \$..... |
| 38 | Surplus .....            | \$..... |
| 39 | Profit and loss.....     | \$..... |
|    |                          | <hr/>   |
| 40 | Total .....              | \$..... |

41       The Secretary of State may require additional information upon the fore-  
42 going subjects, if he so determines, before accepting and filing such report.  
43 If a corporation has less than one hundred stockholders, or has printed and  
44 mailed to each of its stockholders a statement of assets and liabilities substan-  
45 tially in the foregoing form, it need not file such a statement of assets and  
46 liabilities as is herein required as a part of its annual report, but may file in  
47 lieu thereof and as a part of said annual report, an affidavit of its president or  
48 vice-president, attested by its secretary or other proper officer, and sworn to  
49 by both said officers before a notary public, stating that said corporation has  
50 less than one hundred stockholders, or that such statements of assets and lia-  
51 bilities were mailed to each stockholder, and stating the date of such mailing,  
52 and giving a form of such statement, but without the amounts. When a cor-  
53 poration has complied with the requirements of this section and paid the fees  
54 required by this Act, no other report shall be required.

55       The Secretary of State shall publish such reports in convenient book form  
56 during the month of May of each year, and each corporation so reporting shall  
57 be entitled to a copy upon request therefor.

Sec. 33. The fees for examining and filing the agreement to form a cor-  
2 poration and issuing a certificate of organization thereon, shall be fifty dol-  
3 lars for a corporation having an authorized capital stock of \$5,000; for each

4 \$1,000 of the capital stock authorized over \$5,000, fifteen cents; for examining  
 5 and filing an application for permission to change the name, place of business,  
 6 enlarge or change the object for which such corporation was formed, create  
 7 more than one class of stock, increase or decrease the number of directors, de-  
 8 crease the authorized capital stock, or wind up the corporation, twenty dollars;  
 9 for examining and filing an application for permission to increase the capital  
 10 stock, fifteen cents for each \$1,000 of such increase; for examining and filing  
 11 an application for permission to consolidate, fifteen cents for each \$1,000 of  
 12 the capital stock of the new corporation, over and above the total capital stock  
 13 of the companies so consolidated: *Provided*, that in no case shall such fees  
 14 be less than twenty dollars; for other certificates, additional certified copies of  
 15 incorporation, agreements or petitions for changes, five dollars each; examin-  
 16 ing and filing the annual report of each corporation, whether incorporated un-  
 17 der the laws of this State or elsewhere, twenty dollars. Such sum shall accom-  
 18 pany the annual report of each corporation required to make a report by the  
 19 provisions of this Act.

Sec. 34. Railroads, banking corporations, insurance companies, cemeteries,  
 2 religious, charitable or educational corporations and those not incorporated for  
 5 profit shall not be required to make annual reports of the character stated in  
 4 the foregoing section.

Sec. 35. Any two or more corporations organized under the laws of this  
 2 State, for the purpose of carrying on any kind of business of the same or a  
 3 similar nature, may consolidate into a single corporation, which may be either  
 4 one of such consolidating corporations or a new corporation to be formed by  
 5 means or for the purpose of such consolidation. To accomplish this, the direc-  
 6 tors of such corporations as desire to consolidate may pass a resolution pre-  
 7 scribing the terms and conditions of consolidation, the mode of carrying the  
 8 same into effect, and the manner of converting the shares of the old corpora-



9 tions into the new, with such other details and provisions as are deemed neces-  
10 sary, and shall submit the same to a regular or special meeting of the stock-  
11 holders.

12 Written or printed notice of the time and place of a meeting to consider  
13 and take action upon such resolution shall be mailed to the last known post-  
14 office address of each stockholder of each corporation, at least ten days prior  
15 to the date fixed for such meeting, and such notice shall be published prior to  
16 the time of such meeting, for at least two weeks, in some newspaper printed  
17 and circulated in the county of this State within which the principal place of  
18 business of each corporation is located. The records of such meetings must  
19 show that the proposition to enter into such consolidation was affirmatively  
20 carried by the votes of the stockholders controlling more than two-thirds of  
21 all of the capital stock of each corporation then outstanding; and a petition  
22 containing a full copy of the records of such proceedings, signed and verified  
23 by the president of each such corporations, shall be filed in the office of the  
24 Secretary of State.

25 Upon such petition being approved by the Secretary of State, he shall  
26 issue a certificate authorizing such consolidation, and shall attach to such cer-  
27 tificate a copy of such petition and all other papers relating thereto. Upon the  
28 filing of such certificate and attached copies of record, or certified copies there-  
29 of, in the offices of the recorder of deeds of the counties in which the principal  
30 offices of the respective corporations are located, such consolidation shall be  
31 effected.

Sec. 36. When the certificate and attached copies mentioned in the fore-  
2 going section have been filed for record as therein required, the separate ex-  
3 istence of the constituent corporations shall cease and the consolidated corpor-  
4 ations shall become a single corporation, in accordance with the terms and pro-  
5 visions of the resolution so adopted and approved; and such single corporation



6 shall thereupon and thereafter possess all the rights, privileges, powers and  
 7 franchises, as well of a public as of a private nature, and such other powers  
 8 as may be stated in such proceedings, and all property, real, personal and  
 9 mixed, and all debts due on whatever account, as well as for stock subscrip-  
 10 tions and all other things in action of or belonging to each of such corpora-  
 11 tions, and be subject to all the restrictions, disabilities and duties of each of  
 12 such corporations so consolidated; and all property, rights, privileges, powers  
 13 and franchises and all and every other interest shall be thereafter as effectually  
 14 the property of the consolidated corporation as they were of the several and  
 15 respective former corporations, and the title to any real estate, whether by  
 16 deed or otherwise, under the laws of this State, vested in either of such cor-  
 17 porations, shall not revert or be in any way impaired by reason of this Act:  
 18 *Provided*, that all rights of creditors and all liens upon the property of either  
 19 of said former corporations shall be preserved unimpaired, and all debts, lia-  
 20 bilities and duties of the respective former corporations shall thenceforth at-  
 21 tach to said consolidated corporation and may be enforced against it to the  
 22 same extent as if said debts, liabilities and duties had been incurred or contracted  
 23 by it.

Sec. 37. Any action or proceeding pending by or against either of the  
 2 corporations consolidated may be prosecuted to judgment, as if such consoli-  
 3 dation had not taken place, or the new corporation may be substituted in its  
 4 place.

Sec. 38. If any stockholder in either corporation consolidating as afore-  
 2 said, who objected thereto in writing at the meeting of the stockholders to  
 3 vote upon such resolution, shall, within twenty days after the certificate of con-  
 4 solidation has been filed for record, as above provided, demand in writing  
 5 from the consolidated corporation payment of his stock, such consolidated cor-

6 corporation shall within three months thereafter pay to him the value of the  
7 stock at the date of consolidation.

8 On receiving payment therefor, such stockholder shall transfer his stock  
9 to the consolidated corporation, to be disposed of by the directors thereof as  
10 they may determine. If any stockholder, or if his legal representative in the  
11 event of his death or disability, fails to file such written dissent, he shall be  
12 absolutely bound by the terms of such consolidation.

Sec. 39. When two or more corporations are consolidated, the consoli-  
2 dated corporation shall have power and authority to issue bonds or other obli-  
3 gations, negotiable or otherwise, and with or without coupons or interest cer-  
4 tificates attached, to an amount sufficient with its capital stock to provide for  
5 all the payments it will be required to make or obligations it will be required  
6 to assume, in order to effect such consolidation, to secure the payment of such  
7 bonds and obligations. It shall be lawful to mortgage its corporate franchises,  
8 rights, privileges and property, real, personal and mixed; and may issue shares  
9 of stock to such an amount as may be necessary, to the stockholders of such  
10 consolidated corporation in exchange or payment of the original shares, in the  
11 manner and on the terms specified in the resolution of consolidation.

Sec. 40. Whenever any corporation organized under the laws of this State  
2 shall become insolvent, the employees doing labor or service of whatever char-  
3 acter in the regular employ of such corporation shall have a lien upon the as-  
4 sets thereof for the amount of the wages due to them, not exceeding two  
5 months' wages, respectively, which shall be paid prior to any other debt or  
6 debts of said corporation; but the word "employees" shall not be construed  
7 to include any of the officers of such corporation.

Sec. 41. No foreign corporation of the character described in section 1  
2 of this Act, not now licensed to do business in this State, shall have the right

3 to do so unless and until it shall have filed with the Secretary of State a cer-  
4 tified copy of its charter and paid to the Secretary of State the sum of twenty-  
5 five dollars and designated some person as its agent or representative in this  
6 State on whom service of legal process may be had if desired; and thereupon  
7 the Secretary of State shall issue a certificate that such corporation has duly  
8 complied with the laws of this State and is authorized to do business therein,  
9 and such certificate shall be taken by all courts in this State as evidence that  
10 such corporation is entitled to all the rights and benefits of this Act; and such  
11 corporation, and those now licensed to do business in this State, shall enjoy  
12 the same rights and benefits as corporations of like character organized under  
13 the laws of this State, so long as it and they make the reports, pay the fees and  
14 otherwise comply with the laws of this State: *Provided*, the period of such  
15 permission does not exceed ninety-nine years nor the limit of its corporate  
16 existence; and such limit shall be stated in such certificate.

17 Such corporation shall thereafter, and those now licensed to do business  
18 in this State shall hereafter, be subjected to all liabilities, restrictions, duties  
19 and penalties which are or may be imposed upon corporations of like charac-  
20 ter organized under the laws of this State; and shall have no other or greater  
21 powers, or be permitted to engage in this State in any business prohibited to  
22 a corporation organized under the laws of Illinois; nor shall it hold real estate  
23 in this State, except such as may be necessary and proper for carrying on its  
24 legitimate business.

25 If the authorized capital stock of such a corporation is increased after it  
26 has complied with this Act, or after this Act becomes a law, a certified copy  
27 of the certificate or other authorization document issued by the authorities of the  
28 State where such increase was granted, shall be filed with the Secretary of  
29 this State within sixty days after such increase is authorized, and the fee of  
30 ten dollars for such increase shall accompany such certificate or document.



Sec. 42. Every foreign corporation doing business continuously in this State and fully complying with all the laws of this State relating to such corporations, shall be entitled to the benefit of all provisions of law relating to limitations of actions, the same as corporations organized under the laws of this State. Whenever any action is brought in this State by a citizen or corporation thereof, to recover any indebtedness or claim against a corporation organized under the laws of any other State, territory or government, it shall be competent to proceed against any one or more stockholders of such corporation at the same time to the extent of the balance unpaid by such stockholders upon the stock owned by them respectively, whether called in or not, as in cases of garnishment.

Sec. 43. No foreign corporation doing business in this State without a license shall be permitted to maintain any suit in law or in equity in any of the courts of this State upon any demand, whether arising out of contract or tort, and all such corporations shall be liable by reason thereof to a penalty of not less than two hundred and fifty dollars nor more than one thousand dollars, to be recovered in any court of competent jurisdiction, in a civil action, to be begun and prosecuted by the Attorney General of this State.

Sec. 44. If any corporation of this State, or any foreign corporation doing business in this State shall fail to file its report, as required by section 32 of this Act, within the time therein limited, or to pay to the Secretary of State the fees required by section 33 of this Act, the Secretary of State shall notify such corporation of such default, by mailing a notice addressed to the place of business in this State of such corporation, and unless such report and fees, together with the sum of two dollars, shall be paid on or before the first day of March following, such corporation shall, after said date, be liable to a penalty in an amount equal to five dollars for each day thereafter while such default continues; and after said first day of March such default shall be re-



11 ported by the Secretary of State to the Attorney General for the collection of  
12 the fees due the Secretary of State and the penalty for failing to make such re-  
13 port and payment.

Sec. 45. The fees and penalties due from or incurred by any corporation  
2 required by this Act to make the report mentioned in section 32 of this Act,  
3 and pay the fees mentioned in section 33 of this Act, and the penalties pre-  
4 scribed in this Act, may be recovered in a suit in equity brought by the Attor-  
5 ney General against such defaulting corporation in any court having general  
6 jurisdiction; and the court may issue its injunction restraining such corpora-  
7 tion from further doing any business in this State until such report is filed and  
8 all fees and penalties have been paid, together with the costs of such suit.  
9 The moneys recovered in such proceedings shall be paid to the State Treas-  
10 urer as a part of the revenues of the State.

Sec. 46. If any report or statement made or public notice given by the  
2 officers, or any of them, of a corporation shall be false in any material particu-  
4 lar, statement or representation, all of the officers who have signed the same,  
5 knowing it to be false, shall be jointly and severally liable for all damages aris-  
6 ing therefrom.

Sec. 47. If any officer of a corporation required by this Act to make a  
2 report under oath to the Secretary of State shall, in such report, wilfully and  
3 knowingly make any false statement, he shall be guilty of perjury; and if any  
4 such corporation shall neglect or refuse to make the annual report required by  
5 this Act within the time herein fixed, the Secretary of State shall ascertain the  
6 amount of the authorized capital stock of such corporation in such manner  
7 as may be deemed by him most practicable, and fix the amount to be paid  
8 upon the basis of authorized capital, instead of the amount of stock outstand-

ing on the preceding December 31 at a sum equal to 15 per cent of the par value of such stock; and the amount so fixed by him, together with an additional penalty equal to 10 per centum of the amount so fixed, shall be recovered by the Attorney General in the manner provided in section 45 of this Act.

If any corporation shall fail to make the annual reports and pay the fees herein required for two successive years, such failure shall *ipso facto* terminate all rights of such corporation to do business within this State after July 1 following such default.

Sec. 48. All proceedings against any domestic corporation to forfeit its charter, or to oust or restrain it from the exercise of all or of any corporate franchises or powers, or from exceeding or abusing its charter powers or from conducting its business fraudulently or unlawfully, or against any foreign corporation to cancel its license to do business in this State, or to oust or restrain it from the exercise of all or any corporate franchises or powers or from exceeding or abusing its powers under its license to do business in this State, or from doing business in this State without a license or after its license has expired, or from conducting its business in a fraudulent or unlawful manner, shall be brought and prosecuted by the Attorney General in the name of the People of the State of Illinois by a bill or petition in equity; but no such bill or petition shall be filed until such corporation has first been given five days' written notice that at a time and place stated in such notice such corporation may appear before the Attorney General and show cause why he should not bring such suit against it. And upon such bill or petition being filed, the suit shall proceed as other suits in chancery, and the court shall have power to grant full or partial ouster or such restraining order or injunction as the rights of parties shall require, and also to impose such penalty, if any, as the court may deem just.

Sec. 49. Any corporation heretofore incorporated under the laws of this State for the purpose of doing any of the classes of business authorized by section 1 of this Act, are hereby declared to be legally organized and clothed with all rights of ownership and control of the real and personal property now possessed by them to the same extent and with like title, interest and control, as if reincorporated hereunder.

Sec. 50. The General Assembly shall at all times, have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations provisions and limitations shall be binding on any and all corporations formed or permitted to do business under this Act.

Sec. 51. Sections one to twenty-eight and one-half, inclusive, of an Act concerning corporations, approved April 18, 1872, in force July 1, 1872; sections one to four inclusive of an Act to amend an Act entitled, "An Act to require every foreign corporation doing business in this State to have a public office or place in this State, at which to transact its business, subjecting it to a certain condition, and requiring it to file its articles or charter of incorporation with the Secretary of State, and pay certain taxes and fees thereon, approved May 26, 1897, in force July 1, 1897," approved April 22, 1899, in force, July 1, 1899; sections one to nine inclusive, of "An Act requiring corporations to make annual report to the Secretary of State, and providing for the cancellation of articles of incorporation for failure to do so, and to repeal a certain Act therein named," approved May 10, 1901, in force July 1, 1901, and amendments thereto in force July 1, 1905; sections one to seven inclusive, of "An Act to provide for the changing of names, changing places of business, increasing or decreasing the capital stock, increasing or decreasing the number of directors, enlarging or changing the objects for which such corporations were formed, and for the consolidation of incorporated companies," approved and in force March 26, 1872, and amendments in force July 1, 1903; sections one to six inclusive, of "An Act



19 authorizing the changing of the number of directors of incorporated companies  
 20 in certain cases," approved and in force May 22, 1877; sections one to two in-  
 21 clusive, of "An Act to amend section one of an Act entitled, 'An Act regard-  
 22 ing fees for the incorporation and the increase of capital stock of companies  
 23 and corporations of this State, approved June 15, 1895, in force July 1, 1895,  
 24 as amended by an Act approved April 24, 1899, in force July 1, 1899," ap-  
 25 proved and in force May 14, 1903; section "seven a" of "An Act to provide  
 26 for the punishment of persons, copartnerships, or corporations forming pools,  
 27 trusts and combines, and mode of procedure and rules of evidence in such  
 28 cases," approved June 11, 1891, in force July 1, 1891, and amended by Act  
 29 approved June 20, 1893, in force July 1, 1893; section one of "An Act to  
 30 amend section 'seven a' of an Act entitled 'An Act to provide for the punish-  
 31 ment of persons, co-partnerships or corporations forming pools, trusts and com-  
 32 bines, and mode of procedure and rules of evidence in such cases, approved  
 33 June, 1891, and in force July 1, 1891, and amended by Act approved June 20,  
 34 1893, in force July 1, 1893,' as House Bill No. 47, approved May 25, 1907;"  
 35 sections one and two of "An Act to amend an Act entitled, 'An Act to require  
 36 every foreign corporation doing business in this State to have a public office  
 37 or place in this State, at which to transact its business, subjecting it to a cer-  
 38 tain condition, and requiring it to file its articles or charter of incorporation  
 39 with the Secretary of State, and to pay certain taxes and fees thereon," ap-  
 40 proved May 13, 1905; sections one, two and four of an Act entitled, "An Act  
 41 to amend sections two and four of an Act entitled, 'An Act concerning cor-  
 42 porations,' approved April 18, 1872, in force July 1, 1872, as amended by an Act  
 43 approved April 21, 1899, in force July 1, 1899," approved May 16, 1905: an  
 44 Act to amend an Act entitled, "An Act concerning corporations," approved  
 45 April 18, 1872, in force July 1, 1872, by providing for the voluntary dissolution  
 46 of corporations organized or hereafter organized upon the stock plan there-  
 47 under, by adding four sections to be numbered sections 50, 51, 52 and 53 re-



48 spectively, approved June 17, 1895, in force July 1, 1895; sections one to nine  
49 inclusive, of "An Act to regulate the admission of foreign corporations for  
50 profit, to do business in the State of Illinois," approved May 18, 1905, in  
51 force July 1, 1905; and all other Acts and parts of Acts inconsistent herewith,  
52 so far as they apply to corporations which are subject to the provisions of this  
53 Act, are hereby repealed.

Sec. 52. The provisions of this Act, so far as they are the same as those  
2 of existing statutes, shall be construed as a continuation thereof, and not as  
3 a new enactment, and a reference in a statute which has not been repealed,  
4 to provisions of law which have been revised and re-enacted herein, shall be  
5 construed as applying to such provisions as so incorporated in this Act.

6 The repeal of a law by this Act shall not affect any Act done, ratified or  
7 confirmed or any right accrued or established under the provisions of such  
8 law.



- 1 Introduced by Mr. Murray, April 29, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

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## A BILL

For an Act to revise the law in relation to the municipal court of Chicago.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* COURT CONTINUED AND JUDGES, ETC., TO HOLD UNTIL  
3 SUCCESSORS ELECTED, ETC.] The municipal court of Chicago as heretofore or-  
4 ganized shall be continued and the judges, the clerk and the bailiff thereof  
5 shall continue to hold their respective offices during the terms for which they  
6 shall have been respectively elected and until their respective successors shall  
7 have been elected and qualified.

Sec. 2. PRACTICE IN PENDING ACTIONS.] All actions and proceedings pending  
2 in said court at the time this Act shall become operative shall be conducted, and  
3 the records thereof shall be kept until the final determination thereof, including  
4 appeals and writs of error to review the orders and judgments therein, in all  
5 respects in accordance with the provisions of the Act entitled "An Act in rela-

tion to a municipal court in the city of Chicago," approved May 18, 1905, as amended by the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905," approved June 3, 1907, and the force and effect of the orders and judgments of the court in all actions and proceedings so pending shall be such as is prescribed by said last mentioned Acts.

Sec. 3. NUMBER AND BOUNDARIES OF DISTRICTS.] For the purposes of said municipal court the city of Chicago shall be divided into districts which, until otherwise provided, shall be two in number and their territorial limits shall be as follows:

Of the first district the territorial limits shall be the territory bounded on the north by the city limits, the east and west half section line of section twenty-seven (27), township thirty-seven (37) north, range fourteen (14) east of the third principal meridian, and Ninety-fifth (95th) street between the center line of Cottage Grove avenue and the east line of the Illinois Central Railroad right of way; on the west by the city limits; on the south by the city limits and Seventy-first (71st) street between the center line of Cottage Grove avenue and Lake Michigan; and on the east by Lake Michigan, the center line of Cottage Grove avenue from Seventy-first (71st) street to Ninety-fifth (95th) street to the east and west half section lines of section twenty-seven (27) hereinbefore mentioned, and by the center line of Cottage Grove avenue as extended south from the east and west half section line of said section twenty-seven (27) to the city limits, being all of the city of Chicago not embraced within the limits hereinafter specified of the second district.

Of the second district the territorial limits shall be the territory bounded on the north by the center line of Seventy-first (71st) street; on the west by Cottage Grove avenue from Seventy-first (71st) street to Ninety-fifth (95th) street to the east line of the Illinois Central Railroad right of way; thence southwest



23 along said line of said right of way to the east and west half section line of  
 24 section twenty-seven (27), township thirty-seven (37) north, range fourteen (14)  
 25 east of the third principal meridian; thence east along said half section line to  
 26 the center line of Cottage Grove avenue as extended south; thence south to the  
 27 city limits; on the south by the city limits; on the east by the city limits and  
 28 Lake Michigan.

Sec. 4. CHANGES OF NUMBERS AND BOUNDARIES OF DISTRICTS.] The numbers

2 and boundaries of the districts may be changed, from time to time, by orders  
 3 signed by a majority of the judges of said municipal court and spread upon the  
 4 records thereof, which orders shall be published for three successive weeks,  
 5 once in each week, in some newspaper of general circulation in the city of Chi-  
 6 cago and which shall take effect respectively within thirty (30) days after the  
 7 last publication thereof: *Provided, however,* that no such change in the number  
 8 or boundaries of districts shall become effective unless the order therefor shall  
 9 have been approved by the city council of the city of Chicago. As many branch  
 10 courts shall be held in each district as may be determined by the chief justice of  
 11 said municipal court to be necessary for the prompt and proper disposition of  
 12 the business of said court: *Provided, however,* that at least one branch court  
 13 shall be held in each district. Such branch courts may be given such designa-  
 14 tion, by numbers or otherwise, as may be determined by the chief justice. Each  
 15 of said branch courts shall exercise the jurisdiction and powers in this Act de-  
 16 clared to be vested in said municipal court.

Sec. 5. WHERE BRANCH COURTS TO BE HELD—POWERS OF JUDGES WHEN PLACES

2 PROVIDED UNFIT.] Said branch courts shall be held at such places in said city  
 3 of Chicago as may be provided for that purpose by the corporate authorities  
 4 thereof. If no place be provided by the corporate authorities of said city for  
 5 the holding of any branch court, or if the places so provided become unfit, said  
 6 branch court may, by an order signed by a majority of the judges of said muni-

7 cipal court and entered upon the records of said court, adjourn to or convene  
 8 at a suitable place for holding said branch court procured for that purpose by  
 9 said judges within the district in which the same is located, and at such place  
 10 may hold said branch court until a suitable place therefor be furnished by said  
 11 corporate authorities.

Sec. 6. COURT TO HAVE SEALS, ETC.] Said court shall have seals for each  
 2 district and may, from time to time, as may be necessary, renew the same. The  
 3 expense of said seals and of renewing the same shall be paid by the city of  
 4 Chicago.

Sec. 7. BLANKS, BOOKS, ETC., TO BE FURNISHED AND EXPENDITURES ON ACCOUNT  
 2 OF COURT TO BE PAID OUT OF CITY TREASURY.] All blanks, books, papers, station-  
 3 ery and furniture necessary to the keeping of the records of the proceedings of  
 4 said municipal court and the transaction of the business thereof shall be fur-  
 5 nished the officers of said court at the expense of the city. All other expendi-  
 6 tures on account of said court which may be authorized by the city council and  
 7 which are not specifically mentioned in this Act, shall be paid out of the city  
 8 treasury.

Sec. 8. CHIEF JUSTICE AND ASSOCIATE JUDGES—BRANCH COURTS.] Said mu-  
 2 nicipal court shall consist of twenty-eight (28) judges, one of whom shall be  
 3 chief justice and the remaining twenty-seven (27) of whom shall be associate  
 4 judges. Each branch court shall be presided over by a single judge of said  
 5 municipal court.

Sec. 9. POWERS AND DUTIES OF CHIEF JUSTICE.] The chief justice, in addi-  
 2 tion to the exercise of all the other powers of a judge of said court, shall have  
 3 the general superintendence of the business thereof. He shall preside at all  
 4 meetings of the judges and he shall assign the associate judges to duty in the  
 5 branch courts, from time to time, as he may deem necessary for the prompt dis-  
 6 position of the business thereof. He shall also superintend the preparation of

7 the calendars of cases for trial in said court and shall make such classification  
 8 and distribution of the same upon different calendars as he shall deem proper  
 9 and expedient. He shall give his attention faithfully to the discharge of the  
 10 duties especially pertaining to his office and to the performance of such addi-  
 11 tional judicial work as he may be able to perform.

Sec. 10. POWERS AND DUTIES OF ASSOCIATE JUDGES.] It shall be the duty of  
 2 each associate judge to attend and serve at any branch court to which he may  
 3 be so assigned and he must perform his share of the labors and duties appertain-  
 4 ing to the office. At least one associate judge must be in attendance in one  
 5 branch court in each district three hours of each day except Sunday, a public  
 6 holiday or a day upon which the inhabitants of the city of Chicago generally  
 7 refrain from business, and each associate judge, while in the court room or in  
 8 the chambers and not actually engaged in the performance of other official  
 9 duties, must act upon any application for his official action properly made to  
 10 him. Each associate judge shall be entitled to vacations which shall not exceed  
 11 thirty-six days in all in any one year and which shall be taken at such times as  
 12 may be determined by the chief justice.

Sec. 11. MEETINGS OF CHIEF JUSTICE AND ASSOCIATE JUDGES—COMPLAINTS—  
 2 ADOPTION OF RULES AND REGULATIONS.] It shall be the duty of the chief justice  
 3 and the associate judges to meet together at least once in each month, except-  
 4 ing the month of August in each year, at such hour and place as may be  
 5 designated by the chief justice and at such other times as may be required by  
 6 the chief justice, for the consideration of such matters pertaining to the ad-  
 7 ministration of justice in said court as may be brought before them. At such  
 8 meetings they shall receive and investigate, or cause to be investigated, all com-  
 9 plaints presented to them pertaining to said court and to the judges and offi-  
 10 cers thereof and shall take such steps as they may deem necessary or proper  
 11 with respect thereto and they shall have power and it shall be their duty to



12 adopt or cause to be adopted all such rules and regulations for the proper ad-  
 13 ministration of justice in said court as to them may seem expedient, and shall  
 14 have power to remedy all abuses which may be found by them to exist in the  
 15 condition of the business of said court, including the business of the offices of  
 16 the clerk and bailiff.

Sec. 12. CHIEF JUSTICE MAY APPOINT ASSISTANTS—NUMBER AND SALARIES—  
 2 POWERS AND DUTIES OF ASSISTANTS.] The chief justice may appoint such num-  
 3 ber of assistants, not exceeding six (6), as he may deem necessary, whose sal-  
 4 aries shall be fixed by the majority of the judges: *Provided, however,* that the  
 5 salaries of three of said assistants shall not exceed four thousand dollars  
 6 (\$4,000) each per annum and that the salaries of the remaining three of said  
 7 assistants shall not exceed two thousand dollars (\$2,000) each per annum.  
 8 Said assistants shall have power to administer oaths and such other powers as  
 9 may be hereinafter specified and shall perform such duties as may be required  
 10 of them by the chief justice or as may be imposed upon them by this Act. Every  
 11 such assistant, before entering upon the discharge of his duties as such assistant,  
 12 shall take, subscribe and file in the office of the clerk of said court an oath or  
 13 affirmation in the following form, to-wit:

14 I do solemnly swear (or affirm, as the case may be) that I will support the  
 15 Constitution of the United States and the Constitution of the State of Illinois and  
 16 that I will faithfully discharge the duties of the office of assistant of the chief  
 17 justice of the municipal court of Chicago according to the best of my ability.

Sec. 13. SALARIES OF JUDGES.] The salaries of the chief justice and asso-  
 2 ciate judges shall be fixed by the city council: *Provided, however,* that the  
 3 salary of the chief justice shall not be less than seventy-five hundred dollars  
 4 (\$7,500) per annum and that the salary of an associate judge shall not be less  
 5 than six thousand dollars (\$6,000) per annum, and that the salary of no judge  
 6 shall exceed the salary and compensation fixed, from time to time, by law for



a judge of the circuit court of Cook county, and that the salary of no judge shall be increased or diminished during the term for which he shall have been elected: *And, provided, further,* that until the fixing of the salaries by the city council the salary of the chief justice shall be seventy-five hundred dollars (\$7,500) per annum and the salary of an associate judge shall be six thousand dollars (\$6,000) per annum. Such salaries shall be payable in monthly installments out of the city treasury.

Sec. 14. ELECTION OF JUDGES—VACANCIES.] Elections for judges of said municipal court shall be held as follows:

On the first Monday of June, A. D. 1910, and on the first Monday of June every six years thereafter, there shall be elected nine associate judges of said court as the successors in office of the associate judges of said court elected for the term of four years on the first Tuesday after the first Monday of November, A. D. 1906.

On the first Monday of June, A. D. 1912, and on the first Monday of June every six years thereafter, there shall be elected a chief justice and nine associate judges of said court as the successors in office of the chief justice and nine associate judges of said court elected for the term of six years on the first Tuesday after the first Monday of November, A. D. 1906.

On the first Monday of June, A. D. 1914, and on the first Monday of June every six years thereafter, there shall be elected nine associate judges of said court as the successors in office of the nine associate judges of said court elected on the first Tuesday after the first Monday of November, A. D. 1908.

The judges so required to be elected shall enter upon the discharge of their duties on the first Monday of December following their election. Vacancies in the office of chief justice or associate judge of said court shall be filled by election at the regular municipal, judicial or other general election which shall occur next after a period of sixty days from the time such vacancies re-

22 spectively occur, but where the unexpired term does not exceed one year the  
 23 vacancy shall be filled by appointment by the Governor, and, in case of the  
 24 happening of two or more vacancies between the dates of regular elections  
 25 more than ninety days prior to the date when such vacancies may be filled by  
 26 election, the same may be filled by appointment by the Governor until such  
 27 election shall be held and said vacancy filled. Whenever a vacancy occurs in  
 28 the office of chief justice, or whenever the chief justice shall be absent from  
 29 the city of Chicago or incapacitated from acting, the associate judges shall se-  
 30 lect one of their number to act as chief justice until such vacancy shall be  
 31 filled by election or appointment as above provided for or until the return of  
 32 the chief justice or until his incapacity ceases.

Sec. 15. WHO ELIGIBLE FOR ELECTION AS JUDGES—EXAMINATIONS OF CANDI-  
 2 DATES—ELIGIBLE LIST.] No person shall be eligible to the office of chief justice  
 3 or of associate judge of the municipal court unless he shall be at least thirty-  
 4 five years of age and a citizen of the United States, nor unless he shall have  
 5 resided in the county of Cook and been there engaged either in active prac-  
 6 tice as an attorney and counsellor at law, or in the discharge of the duties  
 7 of a judicial office, or of the office of master in chancery, ten years next pre-  
 8 ceding his election, or in one of such occupations during a portion of such  
 9 time and in the other, or others, the remaining portion thereof, and shall, at  
 10 the time of his election, be a resident of the city of Chicago, nor unless he shall  
 11 have successfully passed an examination as hereinafter provided. It shall be the  
 12 duty of the supreme court to cause to be held, either in the city of Chicago or  
 13 in the city of Springfield, at such time as may be fixed by the court in each  
 14 year in which there is to be held a general election of judges of said municip-  
 15 al court, an examination of all such persons possessing the qualifications  
 16 hereinbefore in this section specified as may choose to submit themselves to  
 17 such examination and who may wish to become candidates for the office of

18 chief justice or associate judge of said municipal court: *Provided, however,*  
19 that any person who shall not have attained the age of thirty-five (35) years,  
20 but who shall possess the other qualifications hereinbefore mentioned, may be  
21 admitted to take such examination. Such examination shall be conducted under  
22 the supervision of the supreme court and in such manner as the court may,  
23 by rule, prescribe. Such examination shall be such as, in the opinion of the  
24 court, may be necessary to the determination of the sufficiency of the knowl-  
25 edge and experience, and the mental and physical capacity of the persons sub-  
26 mitting themselves to such examination to properly perform the duties of the  
27 office of chief justice or associate judge of said municipal court. Upon the  
28 conclusion of such examination and the ascertainment of the result thereof the  
29 court shall cause to be prepared and published a list, to be known as the eligi-  
30 ble list, of the persons who shall have successfully passed such examination,  
31 and of the standing of each of them at such examination, and each of such  
32 persons shall thereafter, and until he shall have attained the age of seventy  
33 years, and so long as he may possess the other qualifications hereinbefore pro-  
34 vided for, be eligible to election to the office of chief justice or associate judge  
35 of the municipal court, and no person whose name is not on such eligible list  
36 shall be eligible, at any election, to the office of chief justice or associate judge  
37 of said municipal court, unless, at the time of holding such election of judges  
38 of said court, the said eligible list shall not contain a number of names of  
39 persons still living and possessing the qualifications aforesaid equal to or in  
40 excess of the number of judges of said municipal court to be elected at such  
41 election: *Provided, however,* that any person who, at the time of his passing  
42 such examination, has not attained the age of thirty-five (35) years, and will  
43 not have attained the age of thirty-five (35) years prior to the next succeed-  
44 ing general election of judges of said court, shall not be placed upon such eligi-  
45 ble list until he shall have attained such age as to make him eligible to elec-

tion as aforesaid at the general election next after his being so placed upon such list.

Sec. 16. OATH OF JUDGES.] Every chief justice and associate judge of said

municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of chief justice (or associate judge) of the municipal court of Chicago according to the best of my ability.

Said oath shall be filed in the office of the Secretary of State.

Sec. 17. INCREASE IN NUMBER OF JUDGES.] Whenever two-thirds in num-

ber of the judges of the municipal court shall transmit to the city council of the city of Chicago a certificate signed by them that in the opinion of said judges the business of said municipal court is such as to require an increase in the number of the associate judges of said court, said city council may, by ordinance or ordinances, provide for an increase of not more than nine in the number of said judges, and such additional judges shall be elected one-third for two years, one-third for four years and one-third for six years, at the next ensuing general election. The judges elected in accordance with such ordinance or ordinances shall hold their offices for the said respective terms for which they shall have been elected and until their successors shall be elected and qualified, and every two years thereafter their respective successors shall be elected for the full term of six years. But after the number of associate judges has been increased to thirty-six (36) no subsequent increase thereof shall be made by the city council.

Sec. 18. INTERCHANGE OF JUDGES.] The judges of said municipal court may

interchange with judges of the circuit court, judges of other city courts, and



3 with county judges, and said respective judges may hold court for each other  
4 and perform each other's duties when they find it necessary or convenient.

Sec. 19. CLERK—TIME OF ELECTION—TERM OF OFFICE—COMMISSION.] There  
2 shall be a clerk of said municipal court whose term of office shall be six years  
3 and until his successor shall be elected and qualified, and he shall be elected  
4 on the first Tuesday after the first Monday of November, A. D. 1912, and  
5 every six years thereafter as the successor in office of the clerk of said court  
6 elected on the first Tuesday after the first Monday of November, A. D. 1906.  
7 He shall be commissioned by the Governor.

Sec. 20. DUTIES OF CLERK—OFFICE HOURS—OFFICERS TO BE MAINTAINED.] The  
2 clerk of said court shall be the keeper of the seal thereof. He shall issue the  
3 process of said court in the manner provided by law, attend the sessions there-  
4 of, preserve all the files and papers and make, keep and preserve such records  
5 of the proceedings and determinations thereof as may be provided by this Act,  
6 or as may be otherwise provided by law, and shall do and perform all other  
7 duties pertaining to his office which may be prescribed by law or by the rules  
8 of said court not inconsistent with law. He shall attend in person to the duties  
9 of his office, when it shall be practicable so to do, and shall perform all the  
10 duties of his office which can reasonably be performed by one person. He shall  
11 maintain an office in each district and each office shall be kept open for the  
12 transaction of business from 8:30 o'clock a. m. to 5:30 o'clock p. m. of each  
13 working day during the year, and he shall afford sufficient facilities for the  
14 transaction of the business of his office at such other hours as may be re-  
15 quired by the chief justice: *Provided, however,* that on Saturdays, after the  
16 hour of 1 o'clock p. m., only such number of deputy clerks need be in attend-  
17 ance at the clerk's offices as may be necessary to receive and file papers, ap-  
18 prove bonds and issue summonses, citations and writs.

Sec. 21. BOND OF CLERK.] The clerk, before entering upon the duties of  
 2 his office, shall give bond with one or more sureties to be approved by the  
 3 chief justice, which bond shall be in such penalty not less than fifty thousand  
 4 dollars (\$50,000) nor more than two hundred thousand dollars (\$200,000), as  
 5 may be determined by the chief justice, payable to the People of the State of  
 6 Illinois, and conditioned for the faithful performance of the duties of his office.  
 7 A bond so conditioned shall be construed as if conditioned that such clerk  
 8 should pay over all moneys that might come to his hands by virtue of his office  
 9 to the parties entitled thereto and deliver up all moneys, papers, books, records  
 10 and other things appertaining to his office, whole, safe and undefaced when  
 11 lawfully required so to do, and that he should faithfully perform every duty  
 12 and respond to every liability imposed upon him by virtue of his office. Such  
 13 bond shall be filed in the office of the Secretary of State.

Sec. 22. OATH OF OFFICE OF CLERK.] The clerk shall also, before entering  
 2 upon the duties of his office, take and subscribe and file in the office of the  
 3 Secretary of State the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support  
 5 the Constitution of the United States and the Constitution of the State of  
 6 Illinois, and that I will faithfully discharge the duties of the office of clerk  
 7 of the municipal court of Chicago according to the best of my ability

Sec. 23. CLERK'S OFFICES TO HAVE TELEPHONES—CLERK TO FURNISH INFORMATION.] The offices of the clerk shall be furnished with such number of tele-  
 3 phones as may be necessary for the use of attorneys and parties to actions  
 4 in the transaction of the business of the court. Any attorney at law or any  
 5 party to an action in such court may apply, either in person or by telephone,  
 6 or otherwise, for any information respecting the proceedings in such action, or  
 7 the papers filed therein, which such attorney or party may deem necessary,  
 8 and such clerk shall furnish such information without charge being made

9 therefor: *Provided, however,* that nothing herein contained shall be construed  
10 to require the clerk to furnish copies of documents without payment therefor  
11 at the rate fixed therefor by this Act, and that the clerk shall not be person-  
12 ally responsible for any mistake made by any deputy clerk with respect to such  
13 information.

Sec. 24. CLERK TO FURNISH PRINTED BLANKS FREE.] The clerk shall keep  
2 on hand and furnish on application and free of charge to every attorney at  
3 law entitled to practice in such court, printed blank forms of præcipes, state  
4 ments of claims, entries of appearance and specifications of defenses, affidavits  
5 of claim, of merits, for replevin and for attachment, bonds, summonses, at-  
6 tachment writs, replevin writs, executions, petitions for changes of venue, mo-  
7 tions and all other necessary papers for use in the prosecution and defense  
8 of actions in said court.

Sec. 25. VACANCIES.] When a vacancy occurs in the office of clerk and the  
2 unexpired term exceeds one year, the judges shall appoint a clerk *pro tempore*,  
3 who shall qualify by giving bond and taking the oath as required by law of  
4 the clerk, and thereupon such appointee shall perform all the duties required  
5 of a duly elected clerk of said court and shall receive a like salary, and shall  
6 hold such office until some person is elected and qualified according to law to  
7 fill such vacancy. Whenever any such vacancy occurs the chief justice shall  
8 forthwith notify the Governor thereof, who, upon receiving such notice, shall,  
9 as soon thereafter as may be practicable, issue a writ of election as in other  
10 cases. When a vacancy occurs in the office of clerk and the unexpired term is  
11 less than one year, the judges shall appoint a clerk *pro tempore*, who shall  
12 qualify by giving bond and taking the oath of office as required by law of  
13 the clerk, and thereupon such appointee shall perform all the duties required  
14 of a duly elected clerk of said court and shall receive a like salary, and shall

15 hold office until some person is elected and qualified according to law to fill  
16 such vacancy.

Sec. 26. SALARY OF CLERK—EXPENSES.] The salary of the clerk shall be  
2 fixed by the city council: *Provided, however,* that such salary shall not be  
3 less than five thousand dollars (\$5,000) per annum, and that it shall not ex-  
4 ceed the salary which may be fixed for an associate judge of the municipal  
5 court, and that it shall be neither increased nor diminished during the term  
6 for which the clerk shall have been elected: *And, provided, further,* that until  
7 the fixing of the salary of the city council the salary of the clerk shall be five  
8 thousand dollars (\$5,000) per annum. Such salary shall be payable in monthly  
9 installments out of the city treasury. All expenses incurred by the clerk for  
10 legal services rendered to him in matters relating to his official duties, and  
11 all expenses incident to proceedings in court brought by or against him in his  
12 official capacity, shall be paid out of the city treasury.

Sec. 27. DEPUTY CLERKS—NUMBER — APPOINTMENT — COMPETITIVE EXAMINA-  
2 TIONS.] The clerk shall appoint such number of deputies as may be deter-  
3 mined, from time to time, by a majority of the judges of the municipal court  
4 by orders signed by them and spread upon the records of said court. Said  
5 deputy clerks shall be selected by competitive examinations as hereinafter  
6 provided.

Sec. 28. SALARIES OF DEPUTY CLERKS—HOW FIXED.] The salaries of deputy  
2 clerks shall be fixed, from time to time, by orders signed by a majority of  
3 the judges of said municipal court and spread upon the records of said court,  
4 and shall be payable out of the city treasury in monthly installments: *Pro-*  
5 *vided, however,* that the salary of the chief deputy clerk shall be four thou-  
6 sand dollars (\$4,000) per annum, and that the salaries of no more than four  
7 additional clerks shall exceed eighteen hundred dollars (\$1,800) per annum.



Sec. 29. BOND OF DEPUTY CLERK.] Every deputy clerk, before entering  
 2 upon the duties of his office, shall give a bond with one or more sureties to  
 3 be approved by the chief justice, which bond shall be in such penalty not less  
 4 than one thousand dollars (\$1,000), as may be determined by the chief justice,  
 5 payable to the People of the State of Illinois, and conditioned for the faithful  
 6 performance of the duties of his office.

Sec. 30. OATH OF OFFICE OF DEPUTY CLERK.] Every deputy clerk shall also,  
 2 before entering upon the duties of his office, take and subscribe and file in the  
 3 office of the clerk the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support  
 5 the Constitution of the United States and the Constitution of the State of Illi-  
 6 nois, and that I will faithfully discharge the duties of the office of deputy clerk  
 7 of the municipal court of Chicago according to the best of my ability.

Sec. 31. REMOVAL OF DEPUTY CLERKS—RESTORATION—REDUCTION OF NUMBER.]

2 Any deputy clerk shall be subject to removal at any time by an order signed  
 3 by a majority of the judges of the municipal court and spread upon the records  
 4 of said court. Any deputy clerk, other than one selected by competitive ex-  
 5 amination as hereinafter provided, may likewise be removed by the clerk: *Pro-*  
 6 *vided, however,* that any deputy clerk so removed may be restored to his posi-  
 7 tion as such deputy clerk by an order signed by a majority of the judges of  
 8 said court and spread upon the records thereof. The number of deputy clerks  
 9 may be reduced at any time by an order signed by a majority of the judges  
 10 of said court and spread upon the records thereof.

Sec. 32. BAILIFF—TIME OF ELECTION—TERM OF OFFICE—COMMISSION.] There  
 2 shall be a bailiff of said municipal court, whose term of office shall be six years  
 3 and until his successor shall be elected and qualified, and he shall be elected on  
 4 the first Tuesday after the first Monday of November, A. D. 1912, as the suc-

cessor in office of the bailiff of said court elected on the first Tuesday after the first Monday of November, A. D. 1906. He shall be commissioned by the Governor.

Sec. 33. DUTIES OF BAILIFF—OFFICE HOURS TO BE MAINTAINED.] The bailiff of said court shall perform, with respect to said court, the duties usually performed by sheriffs in respect to attendance upon and service and execution of the process and obedience of the lawful orders and directions of the circuit courts, and he shall do and perform all other duties pertaining to his office which may be prescribed by law, or by the rules of said court not inconsistent with law. He shall attend in person to the duties of his office when it shall be practicable so to do, and shall perform all the duties of his office which can reasonably be performed by one person. He shall maintain an office in each district and each office shall be kept open for the transaction of business from 8:30 o'clock a. m. to 5:30 o'clock p. m. of each working day during the year, and he shall afford sufficient facilities for the transaction of the business of his office at such other hours as may be required by the chief justice: *Provided, however,* that on Saturdays after the hour of 1 o'clock p. m., only such number of deputy bailiffs need be in attendance at the bailiff's offices as may be needed for the receipt and service of writs, the service of which cannot be delayed without injury or inconvenience to the parties on whose behalf they are to be served.

Sec. 34. BOND OF BAILIFF.] The bailiff, before entering upon the duties of his office, shall give a bond with one or more sureties to be approved by the chief justice, which bond shall be in such penalty not less than twenty-five thousand dollars (\$25,000) nor more than one hundred thousand dollars (\$100,000), as may be determined by the chief justice, payable to the People of the State of Illinois, conditioned for the faithful performance of the duties of his office. A bond so conditioned shall be construed as if conditioned that such bailiff

8 should pay over all moneys that might come to his hands by virtue of his office  
 9 to the parties entitled thereto, and deliver up all moneys, papers, books, rec-  
 10 ords and other things appertaining to his office, whole, safe and undefaced  
 11 when lawfully required so to do, and that he will faithfully perform every  
 12 duty and respond to every liability imposed upon him by virtue of his office.  
 13 Such bond shall be entered upon the records of said municipal court and filed  
 14 in the office of the clerk thereof.

Sec. 35. OATH OF OFFICE OF BAILIFF.] The bailiff shall also, before enter-  
 2 ing upon the duties of his office, take and subscribe and file in the office of the  
 3 clerk of said court the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support  
 5 the Constitution of the United States and the Constitution of the State of Illi-  
 6 nois, and that I will faithfully discharge the duties of the office of bailiff of  
 7 the municipal court of Chicago according to the best of my ability.

Sec. 36. VACANCIES IN OFFICE OF BAILIFF.] When a vacancy occurs in the  
 2 office of bailiff, and the unexpired term exceeds one year, the judges shall ap-  
 3 point a bailiff *pro tempore*, who shall qualify by giving bond and taking the  
 4 oath as required by law of the bailiff, and thereupon such appointee shall per-  
 5 form all the duties required of a duly elected bailiff of said court and shall  
 6 receive a like salary, and shall hold such office until some person is elected and  
 7 qualified according to law to fill such vacancy. Whenever such vacancy oc-  
 8 curs the chief justice shall forthwith notify the Governor thereof who, upon  
 9 receiving such notice, shall, as soon thereafter as may be practicable, issue a  
 10 writ of election as in other cases. When a vacancy occurs in the office of  
 11 bailiff and the unexpired term is less than one year, the judges shall appoint  
 12 a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath re-  
 13 quired by law of the bailiff, and thereupon such appointee shall perform all

14 the duties required of a duly elected bailiff of such court and shall receive a  
 15 like salary and shall hold such office until some person is elected and qualified  
 16 according to law to fill such vacancy.

Sec. 37. SALARY OF BAILIFF—ATTORNEY—EXPENSES.] The salary of the  
 2 bailiff shall be fixed by the city council: *Provided, however,* that such salary  
 3 shall not be less than five thousand dollars (\$5,000) per annum, and that it  
 4 shall not exceed the salary which may be fixed for an associate judge of the  
 5 municipal court and that it shall neither be increased nor diminished during  
 6 the term for which the bailiff shall have been elected: *And, provided, further,*  
 7 that until the fixing of the salary by the city council the salary of the bailiff  
 8 shall be five thousand dollars (\$5,000) per annum. Such salary shall be pay-  
 9 able in monthly installments out of the city treasury. The bailiff may, when  
 10 so authorized by an order signed by a majority of the judges, employ an  
 11 attorney at a salary to be fixed by the judges, not to exceed three thousand  
 12 dollars (\$3,000) per annum. which salary, together with all expenses incurred  
 13 by the bailiff in prosecuting or defending suits by or against him in his official  
 14 capacity, shall be paid out of the city treasury.

Sec. 38. DEPUTY BAILIFFS—NUMBER — APPOINTMENT — COMPETITIVE EXAMINA-  
 2 TIONS.] The bailiff shall appoint such number of deputies as may be deter-  
 3 mined, from time to time, by a majority of the judges of the municipal court  
 4 by orders signed by them and spread upon the records of said court. Said  
 5 deputy bailiffs shall be selected by competitive examinations as hereinafter  
 6 provided.

Sec. 39. SALARIES OF DEPUTY BAILIFFS—HOW FIXED.] The salaries of dep-  
 2 uty bailiffs shall be fixed, from time to time, by orders signed by a majority of  
 3 the judges of said municipal court and spread upon the records of said court.  
 4 and shall be payable out of the city treasury in monthly installments: *Pro-*



5 *vided, however*, that the salary of the chief deputy bailiff shall be four thou-  
 6 sand dollars (\$4,000) per annum; that the salary of the assistant chief deputy  
 7 bailiff shall be two thousand five hundred dollars (\$2,500) per annum, and that  
 8 the salary of no other deputy bailiff shall exceed eighteen hundred dollars  
 9 (\$1,800) per annum.

Sec. 40. BOND OF DEPUTY BAILIFF.] Every deputy bailiff appointed as afore-  
 2 said, before entering upon the duties of his office, shall give a bond with one  
 3 or more sureties to be approved by the chief justice, which bond shall be in  
 4 such penalty, not less than one thousand dollars (\$1,000), as may be deter-  
 5 mined by the chief justice, payable to the People of the State of Illinois and  
 6 conditioned for the faithful performance of the duties of his office.

Sec. 41. OATH OF OFFICE OF DEPUTY BAILIFF.] Every deputy bailiff so ap-  
 2 pointed shall also, before entering upon the duties of his office, take and sub-  
 3 scribe and file in the office of the clerk the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support  
 5 the Constitution of the United States and the Constitution of the State of Illi-  
 6 nois, and that I will faithfully discharge the duties of the office of deputy  
 7 bailiff of the municipal court of Chicago according to the best of my ability.

Sec. 42. REMOVAL OF DEPUTY BAILIFFS — RESTORATION — REDUCTION OF NUM-  
 2 BER.] Any deputy bailiff so appointed shall be subject to removal at any time  
 3 by an order signed by a majority of the judges of the municipal court and  
 4 spread upon the records of said court. Any deputy bailiff, other than one se-  
 5 lected by competitive examination as hereinafter provided, may likewise be re-  
 6 moved by the bailiff: *Provided, however*, that any deputy bailiff so removed  
 7 may be restored to his position as such deputy bailiff by an order signed by a  
 8 majority of the judges and spread upon the records of the court. The number

9 of deputy bailiffs may be reduced at any time by an order signed by a ma-  
10 jority of the judges of said court and spread upon the records thereof.

Sec. 43. BAILIFF AND DEPUTIES EX-OFFICIO POLICE OFFICERS AND POLICE OFFI-  
2 CERS EX-OFFICIO DEPUTY BAILIFFS.] The bailiff and deputy bailiffs of the munici-  
3 pal court shall be *ex-officio* police officers of the city of Chicago. Every police  
4 officer of the city of Chicago shall be *ex-officio* a deputy bailiff of the munici-  
5 pal court, and shall perform, from time to time, such duties in respect to cases  
6 within the jurisdiction of said court as may be required of him by said court  
7 or any judge thereof.

Sec. 44. SPECIAL DEPUTY.] The bailiff may appoint a special deputy to  
2 serve any summons or citation issued out of the municipal court by endorse-  
3 ment thereon substantially as follows:

4 "I hereby appoint John Doe my special deputy to serve the within writ."

5 Said endorsement shall be dated and signed by the bailiff. Such special  
6 deputy shall make return of the time and manner of service of such writ under  
7 his oath, and for making a false return he shall be guilty of perjury and pun-  
8 ished accordingly.

Sec. 45. ACCEPTANCE OF GRATUITIES PROHIBITED.] Neither the clerk nor the  
2 bailiff, nor any deputy clerk or deputy bailiff, of said municipal court shall  
3 receive, aside from the salary and the costs by this Act required to be paid to  
4 him in his official capacity, any money, property or other valuable thing, as  
5 a gratuity or otherwise, for the performance of any duty imposed upon him  
6 by virtue of his office, or for the performance of any work of any kind or char-  
7 acter in any manner connected therewith. It shall be the duty of the judges  
8 of said municipal court to remove from office any deputy clerk or deputy  
9 bailiff who shall violate either of the provisions of this section. No clerk or

10 bailiff, or deputy clerk or deputy bailiff, of the municipal court shall be ap-  
 11 pointed receiver or guardian *ad litem* in any suit therein pending.

Sec. 46. SUPERINTENDENCE OF CLERK'S AND BAILIFF'S OFFICES.] The chief  
 2 justice of the municipal court shall have the general superintendence of the  
 3 business and management of the offices of the clerk and bailiff of said court,  
 4 subject to such rules and regulations as may be adopted by a majority of the  
 5 judges. It shall be the duty of the clerk and the bailiff to comply with all  
 6 rules and regulations pertaining to the management of the business of their  
 7 respective offices which may be adopted by a majority of the judges, and for  
 8 any failure so to do such clerk or bailiff may be punished as for a criminal  
 9 contempt of court.

Sec. 47. DEPUTY CLERK OR DEPUTY BAILIFF MAY BE ASSIGNED TO DUTY BY  
 2 CHIEF JUSTICE.] Any deputy clerk or deputy bailiff of said court may be  
 3 assigned by the chief justice of said court to the performance of such duties  
 4 in respect to the business thereof as said chief justice may deem necessary  
 5 or proper.

Sec. 48. EXPENSE OF OFFICIAL BONDS.] The expense of obtaining sureties  
 2 on official bonds for the clerk, the bailiff, the deputy clerks and the deputy  
 3 bailiffs, when such expense is, in the opinion of a majority of the judges of  
 4 said municipal court, reasonable, shall be paid out of the city treasury upon  
 5 the order of the chief justice.

Sec. 49. WHEN CLERK AND BAILIFF NOT TO BE RESPONSIBLE FOR ACTS OR DE-  
 2 FAULTS OF DEPUTIES.] Neither the clerk nor the bailiff shall be responsible or  
 3 liable for damages to any person or corporation on account of any act or  
 4 default of any deputy clerk or deputy bailiff who shall have received his ap-  
 5 pointment as such deputy clerk or deputy bailiff by means of competitive ex-  
 6 amination as hereinafter provided, unless it shall appear that the exercise of

7 due care and diligence by the clerk or bailiff personally would have prevented  
8 such act or default.

Sec. 50. LIABILITY OF BAILIFF OR DEPUTY BAILIFF FOR LEVY UNDER ATTACH-  
2 MENT OR EXECUTION.] Neither the bailiff nor any deputy bailiff shall be liable  
3 to any person or persons on account of a levy upon property, whether real or  
4 personal, under any writ of attachment or execution, when, at the time of such  
5 levy, the property so levied upon is in the possession or control of any de-  
6 fendant in such attachment or execution, and when, prior to the making of  
7 any levy of any attachment or execution upon any property, the bailiff or  
8 deputy bailiff shall cause to be taken from the plaintiff in the execution an  
9 indemnifying bond as hereinafter provided. The bailiff or such deputy bailiff  
10 shall not be liable to any person on account of such levy of such attachment  
11 or execution, but any person aggrieved by such levy may bring an action upon  
12 said bond: *Provided, however,* that nothing herein contained shall be construed  
13 to relieve any bailiff or deputy bailiff from liability on account of oppression  
14 or other misconduct in the levying of such attachment or execution.

Sec. 51. ASSISTANTS OF CHIEF JUSTICE, DEPUTY CLERKS AND BAILIFFS TO BE  
2 SELECTED BY COMPETITIVE EXAMINATIONS.] It shall be the duty of the judges of  
3 said municipal court, as soon as may be practicable after this Act shall be-  
4 come operative, to adopt rules providing that vacancies arising in the offices of  
5 assistants of the chief justice, deputy clerks and deputy bailiffs of said court  
6 shall, with the exception of not exceeding two assistants of the chief justice,  
7 three deputy clerks and three deputy bailiffs, be filled by means of examina-  
8 tions, which shall be public, competitive, and free to all citizens of the United  
9 States, both male and female, with specified limitations as to residence, age,  
10 health, habits and moral character and shall relate to those matters which will  
11 fairly test the relative capacity of the persons examined to discharge the du-  
12 ties of the offices to which they seek to be appointed. The rules so adopted may



13 be set aside, changed or modified at any time by the judges of the supreme  
14 court.

Sec. 52. ASSISTANTS OF CHIEF JUSTICE, DEPUTY CLERKS AND DEPUTY BAILIFFS  
2 IN OFFICE TO BE RETAINED.] All assistants of the chief justice, deputy clerks and  
3 deputy bailiffs, in office at the time this Act shall become operative, shall con-  
4 tinue to hold their respective offices, without the necessity of being examined,  
5 as provided in the preceding section, until their respective offices shall become  
6 vacant by death, resignation or removal in accordance with the provisions of  
7 this Act, the intention hereof being that all such assistants, deputy clerks and  
8 deputy bailiffs who are persons of good moral character and thoroughly quali-  
9 fied to discharge the duties of their respective offices shall be permitted to  
10 hold their respective offices during such time as they shall respectively satisfac-  
11 torily and properly discharge and perform the duties thereof. All assistants  
12 of the chief justice, deputy clerks and deputy bailiffs who shall have received  
13 their appointments by means of competitive examinations as provided in the  
14 preceding section shall, unless removed from office in the manner provided by  
15 this Act, continue to hold their said offices after the expiration of the terms re-  
16 spectively of the chief justices, clerks or bailiffs by whom they shall have been  
17 appointed.

Sec. 53. POWER AND DUTY OF JUDGES TO ESTABLISH STENOGRAPHIC AND TYPE-  
2 WRITING DEPARTMENT.] The judges of said court shall have power and it shall  
3 be their duty to organize and establish a stenographic and type-writing depart-  
4 ment for said court for the performance of such work pertaining to steno-  
5 graphic reporting and type-writing as such judges may deem necessary for the  
6 prompt and proper administration of justice in said court.

Sec. 54. STENOGRAPHERS AND TYPE-WRITERS—HOW SELECTED—REMOVAL—CER-  
2 TIFICATE OF APPOINTMENT—BOND—OATH.] The stenographers and type-writers

3 for such department shall be selected in such manner as, in the opinion of said  
4 judges, will promote efficiency in the performance of such stenographic and  
5 type-writing work, and no such stenographer or type-writer shall be so selected  
6 without having first furnished to the judges making the selection satisfactory  
7 evidence of good moral character and of his or her competency to satisfactor-  
8 ily perform the work for which he or she may be so employed. No stenogra-  
9 pher or type-writer shall be so selected for political reasons or for any other  
10 consideration than his or her character and competency as aforesaid. As soon  
11 as may be practicable after this Act shall become operative the judges of  
12 said court shall establish rules for the selection of such stenographers and  
13 type-writers by means of competitive examinations: *Provided, however,* that  
14 such number of stenographers and type-writers as said respective judges may  
15 determine, not exceeding five, may be selected in the discretion of said respec-  
16 tive judges and without such competitive examinations. All stenographers and  
17 type-writers employed shall be subject to removal at the pleasure of a majority  
18 of the judges of said court. Every stenographer so selected shall receive  
19 from the clerk of said court a certificate of his or her appointment, the form  
20 of which shall be prescribed by the judges of said court and he or she shall  
21 have power to administer oaths and to take and certify depositions. Before  
22 entering upon the discharge of his or her duties he or she shall file with the  
23 clerk of said court a bond in the penal sum of one thousand dollars (\$1,000),  
24 payable to the People of the State of Illinois, with security to be approved by  
25 one of the judges of said court, conditioned for the faithful performance of  
26 his or her duties as court stenographer and shall take, subscribe and file with  
27 said clerk the following oath:

28 I, (here insert name) do solemnly swear (or affirm, as the case may be,)  
29 that I will support the Constitution of the United States and the Constitution  
30 of the State of Illinois, and that I will faithfully discharge the duties of court  
31 stenographer of the municipal court of Chicago to the best of my ability.

## Sec. 55. SALARIES FIXED BY JUDGES—TEMPORARY EMPLOYMENT — EXPENSES—

2 BUSINESS MANAGER.] Such stenographers and type-writers shall receive, as com-  
3 pensation for their services, salaries which shall be fixed and determined by said  
4 judges, according to the character of the work performed by such stenogra-  
5 phers and type-writers, at such sums as said judges may deem necessary to  
6 secure the prompt and proper performance of such stenographic and type-  
7 writing work and as may be proportioned to the skill, ability and capacity for  
8 work of the persons employed, each person employed to be paid according to  
9 his own individual capacity, as near as may be: *Provided, however,* that no  
10 greater number of stenographers and type-writers shall be permanently so em-  
11 ployed than may, in the opinion of said judges, be needed for the transaction  
12 of the ordinary business of the court and that said judges may provide, from  
13 time to time, for the temporary employment of additional stenographers and  
14 type-writers and fix their compensation, whenever an unusual amount of busi-  
15 ness to be transacted or work to be done may, in the opinion of said judges,  
16 render such course necessary or expedient. In addition to the salaries and com-  
17 pensation in this section provided for, the judges may allow to such stenogra-  
18 phers and type-writers their necessary expenses, the same to be ascertained  
19 and fixed in such manner as the judges may prescribe, and, in cases of emerg-  
20 ency requiring unusual hours of labor by such stenographers and type-writers,  
21 may allow them such additional compensation therefor as said judges may  
22 deem reasonable and just. Whenever, in the opinion of a majority of the  
23 judges, the business of the stenographic and type-writing department is suffi-  
24 cient to justify it, a business manager may be appointed for such stenographic  
25 and type-writing department, who shall have such powers, perform such duties  
26 and receive such compensation as may be prescribed by a majority of said  
27 judges, and said judges may, in their discretion, compensate such business  
28 manager in part by a percentage of the receipts of such stenographic and  
29 type writing department or of such receipts over and above the expenses there-



30 of, or may adopt such other method of compensation as, in their judgment,  
 31 may be best calculated to promote efficiency and economy in the management  
 32 of the business of such department.

Sec. 56. DUTIES OF STENOGRAPHERS AND TYPE-WRITERS.] The duties of sten-  
 2 nographers and type-writers so employed shall consist in taking down steno-  
 3 graphically such proceedings of the respective courts, such depositions and  
 4 such proceedings before the masters in chancery thereof, as the judges or the  
 5 parties to actions, or their attorneys, may require to be taken down steno-  
 6 graphically, and in making such transcripts from their stenographic notes as  
 7 may be required by the judges, or by parties to actions or their attorneys.  
 8 also in making type-written copies of papers and records in the offices of the  
 9 clerk and bailiff whenever such type-written copies may be needed, and in the  
 10 performance of all such other stenographic and type-writing work in matters  
 11 connected with the administration of justice in said court, including work in the  
 12 offices of the prosecuting and State's attorney, as they may be required to per-  
 13 form by or under the direction of said judges, and the hours of labor of such  
 14 stenographers and type-writers shall be so fixed and determined by the judges  
 15 as to secure the prompt performance of the work of such stenographic and  
 16 type-writing department and first-class service to parties to actions and to their  
 17 attorneys.

Sec. 57. NO PERQUISITES ASIDE FROM SALARY—NO DISCRIMINATION.] No ste-  
 2 nographer or type-writer so employed shall receive, aside from the salary or  
 3 compensation authorized to be paid to him by this Act, any money, property,  
 4 or other valuable thing, as a gratuity or otherwise, for the performance of any  
 5 duty imposed upon him by virtue of his employment or for the performance of  
 6 any work of any kind or character in any manner connected therewith, nor  
 7 shall any such stenographer or type-writer, in the performance of any work  
 8 connected with his employment, exercise any discrimination of any kind or



9 character in favor of any party to any action, attorney or other person, except-  
 10 ing in so far as such discrimination may be authorized by any rule adopted by  
 11 the judges pertaining to such stenographic and type-writing department.

Sec. 58. MAY TAKE DEPOSITIONS.] A deposition may be taken before and  
 2 certified to by a stenographer in such stenographic and type-writing depart-  
 3 ment in accordance with such regulations as may be prescribed by the judges.

Sec. 59. FEES.] The fees and charges for services rendered by any steno-  
 2 graphic and type-writing department shall be such as are hereinafter prescribed  
 3 or as may be provided, from time to time, by law.

Sec. 60. JUDGES TO PRESCRIBE RULES.] It shall be the duty of the judges  
 2 of said court to prescribe such rules and regulations as may be needful for  
 3 the prompt collection of and accounting for the fees and charges specified in  
 4 the preceding section.

Sec. 61. SUITABLE ROOMS, TYPE-WRITING MACHINES, ETC., TO BE PROVIDED.]  
 2 Suitable rooms for the performance by the employes of the stenographic and  
 3 type-writing department and all necessary type-writing machines, grapho-  
 4 phones and other suitable appliances and stationery and other materials shall  
 5 be provided by the judges thereof, the expenses thereof to be paid as herein-  
 6 after provided.

Sec. 62. RECEIPTS TO BE PAID TO CLERK—DISPOSITION OF SURPLUS—MAKING  
 2 UP OF DEFICIT.] All receipts of every such type-writing department shall be  
 3 paid to the clerk of said court, and shall be held and disposed of by said clerk  
 4 in such manner as the judges of said court may, by rule, provide, and the same  
 5 shall be used, so far as may be necessary, by said judges in the payment of the  
 6 salaries, compensation and expense accounts of stenographers and typewriters  
 7 and all other expenses of said respective stenographic and typewriting depart

ment hereinbefore provided for. At the end of each three months the said judges shall ascertain the total receipts and expenditures of said stenographic and typewriting department, and, if such receipts exceed the expenditures, the balance of receipts, after deducting such expenditures, shall be paid into the city treasury of the city of Chicago, but if the expenditures shall exceed such receipts, the deficit shall be paid by the city treasurer out of the city treasury in such manner as such judges may, by rule, prescribe.

Sec. 63. INTENTION OF ACT—POWER OF JUDGES.] It is hereby declared to be the intention of this Act that the business of such stenographic and typewriting department shall be managed and carried on with the same care and prudence with which any prudent private individual or any well managed private corporation would carry on the business of any similar department in his or its business; that the same shall be furnished with all of the most modern appliances and be first class and up-to-date in every particular, and that parties to actions and their attorneys and all other persons entitled to the services of such stenographic and type-writing department shall be served thereby as promptly and efficiently as they would reasonably expect to be served if such stenographic and typewriting department were under the management of a prudent private individual or of a well managed private corporation whose interest it was to furnish prompt and efficient service, and the said judges of said court are hereby vested with all powers, in addition to those herein expressly conferred, which, in their judgment, are necessary for the carrying into effect of said intention.

Sec. 64. INSPECTION AND AUDIT OF ACCOUNTS.] The judges of said court shall provide for the inspection and auditing of the accounts pertaining to such stenographic and typewriting department. The expense of such auditing and inspection shall be paid out of the receipts of such stenographic and typewriting departments.

Sec. 65. JURISDICTION OF ACTIONS AND PROCEEDINGS—CLASSIFICATIONS.] The

2 municipal court shall have jurisdiction of the following actions and proceedings:

3 *First*—ACTIONS FOR MONEY.] All actions at law for the recovery of money  
4 only, which actions, for convenience in keeping the records of the court, shall  
5 be classified as follows:

6 (a) CONTRACT.] Contract actions, which shall include all actions at law on  
7 contracts, express or implied, for the recovery of money only and not other-  
8 wise classified in this section, which classification shall be expressed upon the  
9 record by the word "*Contract.*"

10 (b) TORT.] Tort actions, which shall include all actions at law for the re-  
11 covery of damages for torts, which classification shall be expressed upon the  
12 record by the word "*Tort.*"

13 (c) ATTACHMENT.] Attachment actions, which shall include all actions  
14 brought in pursuance of the provisions of law permitting the attachment of  
15 property, which classification shall be expressed upon the record by the words  
16 "*Attachment*" or "*Attachment of Water Craft,*" as the case may be.

17 (d) DISTRESS FOR RENT.] Distress for rent actions, which shall include all  
18 actions brought by landlords against their tenants for rent and which are com-  
19 menced by the levying of distress warrants, which classification shall be ex-  
20 pressed upon the record by the words "*Distress for rent.*"

21 (e) QUASI CRIMINAL.] Quasi criminal actions, which shall include all ac-  
22 tions for the recovery of penalties or fines for the violations of ordinances of  
23 municipal corporations, all *qui tam* actions and all other actions brought to re-  
24 cover fines or penalties accruing to the State or to any county, village, incorpo-  
25 rated town or town not incorporated, or to any individual for the recovery of  
26 which an indictment or information will not lie, which classification shall be ex-  
27 pressed upon the record by the words "*Quasi Criminal.*"

28 (f) CONFESSION.] Confessions of judgment, which classification shall be  
29 expressed upon the record by the word "*Confession.*"

30 (g) RECOGNIZANCE.] Recognizance actions, which shall include all actions  
 31 brought on recognizances, which classification shall be expressed upon the  
 32 record by the word "*Recognizance.*"

33 (h) REVIVAL OF JUDGMENT.] Revival of judgment actions, which shall in-  
 34 clude all actions brought to revive judgments, which classification shall be ex-  
 35 pressed upon the record by the words "*Revival of Judgment.*"

36 *Second*—ACTIONS FOR PERSONAL PROPERTY.] Actions at law for the recovery  
 37 of personal property, which actions for convenience in keeping the records of  
 38 the several courts of original jurisdiction shall be classified as follows:

39 (a) REPLEVIN.] Replevin actions, which shall include all actions of re-  
 40 plevin, which classification shall be expressed upon the record by the word  
 41 "*Replevin.*"

42 (b) TRIAL OF RIGHT OF PROPERTY.] Trial of right of property actions, which  
 43 shall include all statutory proceedings, other than actions of replevin, for the  
 44 trial of the right of property levied upon under executions, writs of attachment  
 45 or tax warrants, which classification shall be expressed upon the record by the  
 46 words "*Trial of the Right of Property.*"

47 *Third*—FORCIBLE DETAINER.] Forcible detainer actions, which shall include  
 48 all actions of forcible detainer or forcible entry and detainer, which classifi-  
 49 cation shall be expressed upon the record by the words "*Forcible Detainer.*"

50 *Fourth*—BASTARDY.] Actions of bastardy, which shall include all prosecu-  
 51 tions for bastardy, which classification shall be expressed upon the record by  
 52 the word "*Bastardy.*" . . .

53 *Fifth*—SUPPLEMENTARY PROCEEDINGS.] Supplementary proceedings, which  
 54 shall include all proceedings by citation hereinafter specified for the collection  
 55 of judgments and decrees for the payment of money, the classification of which  
 56 shall be expressed upon the record by the words "*Supplementary Proceed-*  
 57 *ing.*"



*Sixth*—CONTEMPT.] Actions of contempt, which shall include all actions for civil contempt of court, the classification of which shall be expressed upon the record by the word "*Contempt.*"

*Seventh*—CRIMINAL ACTIONS.] Criminal actions, which shall include all actions which the laws in force from time to time may permit or require to be prosecuted by criminal information or criminal complaint, and actions for criminal contempt of court, the classification of which shall be expressed upon the record by the word "*Criminal.*"

*Eighth*—PEACE PROCEEDINGS.] Peace proceedings, which shall include all proceedings for the prevention of the commission of crimes, the classification of which shall be expressed upon the record by the words "*Peace Proceedings.*"

*Ninth*—EXAMINATION PROCEEDINGS.] Examination proceedings, which shall include all proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, the classification of which shall be expressed upon the record by the word "*Examination.*"

*Tenth*—SEARCH WARRANT PROCEEDINGS.] Search warrant proceedings which shall include all proceedings pertaining to searches and seizures of personal property by means of search warrants, the classification of which shall be expressed upon the record by the words "*Search Warrant.*"

*Eleventh*—EQUITY.] Such actions in equity as shall be hereinafter expressly provided for, the classification of which shall be expressed upon the record by the words "*In Equity.*"

*Twelfth*—TRANSFERRED CASES.] All actions of every kind and character which may be transferred to it from any other court of competent jurisdiction, by change of venue or otherwise, for trial and disposition, the classification of which shall be expressed upon the record by the words "*Transferred Cases.*"

*Thirteenth*—SPECIAL PROCEEDINGS.] Special proceedings, which shall include

all proceedings not embraced in those hereinbefore designated and which may be hereinafter provided for, the classification of which shall be expressed upon the record by the words "*Special Proceedings*," or by such other words as will sufficiently indicate the nature thereof.

Sec. 66. ACTIONS—CRIMINAL, QUASI CRIMINAL AND CIVIL—DEFINITION.] Actions and proceedings shall also be known as criminal, quasi criminal and civil. Criminal actions and proceedings are those prosecuted by and in the name of the People of the State of Illinois by indictment, criminal information or criminal complaint, against persons charged with public offenses for the punishment thereof, or which pertain to the prosecution or prevention of such offenses, including criminal contempts of court. Quasi criminal actions shall include actions for the recovery of penalties or fines for the violations of ordinances of municipal corporations, *qui tam* actions and all other actions brought to recover statutory fines or penalties accruing to the State, or to any county, city, village, incorporated town or town not incorporated, or to any individual and which are prosecuted otherwise than by indictment, information or criminal complaint. Civil actions shall include all actions not criminal or quasi criminal.

Sec. 67. PARTIES TO ACTIONS—HOW KNOWN.] The parties to actions shall be known as plaintiffs, petitioners, claimants, defendants, interveners and garnishees.

Sec. 68. PLAINTIFF—PETITIONER—CLAIMANT—CROSS-PLAINTIFF.] A plaintiff is a person in whose name an action at law or in equity or a special proceeding is commenced. A person in whose name a petition or claim is filed may also be called a petitioner or claimant, as the case may be. If, after an action in equity or special proceeding, is commenced, any defendant in such action shall file a cross-bill of complaint or cross-petition, he shall be known as a cross plaintiff.

Sec. 69. DEFENDANT—CROSS-DEFENDANT.] A defendant is a person against  
 2 whom an action at law, or in equity, or a special proceeding, is commenced. If,  
 3 after an action in equity, or special proceeding, is commenced, any defendant  
 4 in such action shall file a cross-bill of complaint, or cross-petition, any defendant  
 5 therein named shall be known as a cross-defendant.

Sec. 70. INTERVENERS.] An intervener is a person who, not being made a  
 2 party to an action or special proceeding, either plaintiff or defendant, or cross-  
 3 plaintiff or cross-defendant, is admitted by the court to intervene in such action  
 4 or special proceeding for the purpose of asserting some right, title or interest  
 5 in the subject matter thereof or in property involved therein.

Sec. 71. GARNISHEE.] A garnishee is a person who is made a party to an  
 2 action for the purpose of securing, out of the moneys due from him to a debtor,  
 3 or property held by him belonging to such debtor, or in which such debtor is  
 4 interested, the satisfaction, in whole or in part, of a claim established or pro-  
 5 posed to be established against such debtor by a creditor.

Sec. 72. COURT TO BE ALWAYS OPEN—WHEN JUDGMENTS, ETC., BECOME FINAL—  
 2 HOW SET ASIDE—ERRORS IN FACT.] There shall be no stated terms of the Municipal  
 3 Court, but said court shall always be open for the transaction of business.  
 4 Every judgment, order or decree of said court, final in its nature, shall be sub-  
 5 ject to be vacated, set aside or modified in the same manner and to the same  
 6 extent as a judgment, order or decree of a circuit court within the time during  
 7 which the same remains within the control of such circuit court.: *Provided*, a  
 8 motion to vacate, set aside or modify the same be entered in said Municipal  
 9 Court within sixty (60) days after the entry of such judgment, order or de-  
 10 cree. If no motion to vacate, set aside or modify any such judgment, order or  
 11 decree shall be entered within sixty (60) days after the entry of such judgment,



12 order or decree, the same shall not be vacated, set aside or modified excepting  
 13 upon appeal or writ of error, or by a bill in equity, or by a petition to said  
 14 municipal court setting forth grounds for vacating, setting aside or modify-  
 15 ing the same which would be sufficient to cause the same to be vacated, set aside  
 16 or modified by a bill in equity: *Provided, however,* that all errors in fact in  
 17 the proceedings in such case which might have been corrected at common law  
 18 by writ of error *coram nobis* may be corrected by motion or the judgment,  
 19 order or decree may be set aside in the manner provided by law for similar  
 20 cases in the circuit court.

Sec. 73. PLACE OF COMMENCING ACTIONS.] Every civil action for money or  
 2 personal property, one brought against the city of Chicago or some other muni-  
 3 cipal corporation excepted, when the amount of money or the value of the per-  
 4 sonal property sought to be recovered does not exceed two hundred dollars  
 5 (\$200) and every action of forcible detainer shall be brought and prosecuted  
 6 in the district in which the defendant, if there be but one defendant, or one of  
 7 the defendants, if there be more than one defendant, resides or is found, or, if  
 8 the defendant be a corporation having its principal office in the city of Chi-  
 9 cago, in the district in which its principal office is located; but if the defendant  
 10 be a corporation not having a principal office in the city of Chicago action may  
 11 be brought in any district within which service of process may be had upon  
 12 any officer, agent or employe of such corporation upon whom such service of  
 13 process is authorized to be made by this Act: *Provided, however,* that the fore-  
 14 going provisions shall not apply to attachment actions, replevin actions or ac-  
 15 tions of distress for rent, brought against non-residents of this State, which  
 16 actions may be brought in any district when any property of the defendant is  
 17 levied upon, replevied or restrained within such district, or any garnishee resides  
 18 or is found in such district, nor shall they apply to forcible entry and forcible  
 19 detainer actions in which the defendants do not reside or can not be found



20 within the city of Chicago, which actions may be brought in any district in  
 21 which the property, the possession of which is sought to be recovered, is situ-  
 22 ated. A criminal action, a quasi criminal action for the violation of a municipal  
 23 ordinance, a peace proceeding, an examination proceeding, or a search war-  
 24 rant proceeding, may be commenced in any district. All other actions and  
 25 proceedings shall be commenced and prosecuted in the first district.

Sec. 74. ACTION COMMENCED IN WRONG DISTRICT TO BE TRANSFERRED TO RIGHT

2 DISTRICT.] When, upon the complaint of any defendant, it shall be made to  
 3 appear to the municipal court in any district that the action has been im-  
 4 properly brought therein the court shall not be required on that account to  
 5 dismiss the action if the municipal court in any district could properly have  
 6 jurisdiction thereof, but in any such case the court may cause such action to be  
 7 transferred to the proper district and the court in the district to which the  
 8 same is transferred shall proceed therewith as if the same had been originally  
 9 commenced in said district: *Provided, however,* that the court may, in its dis-  
 10 cretion, require the plaintiff to pay the costs of the defendant paid by him prior  
 11 to such transfer.

Sec. 75. TRANSFER WHEN JURY TRIAL DEMANDED.] Whenever a trial by jury

2 is demanded in any case, whether civil, criminal or quasi criminal, pending in  
 3 any district other than the first district, the court may, in its discretion, direct  
 4 the trial of said action to be had in the first district and for that purpose may  
 5 cause said action to be transferred to the first district to be there tried and dis-  
 6 posed of: *Provided, however,* that no such transfer shall be made when the  
 7 same shall appear to be unduly burdensome or oppressive to either of the  
 8 parties to the action.

Sec. 76. ACTIONS AT LAW FOR THE RECOVERY OF MONEY -- HOW COMMENCED --

2 EXCEPTIONS.] Every action at law for the recovery of money only brought in

3 the municipal court, excepting an action of attachment, an action of attach-  
 4 ment of water craft, an action of distress for rent, an action where special bail  
 5 may be required, an action on a recognizance, an action of bastardy, or a quasi  
 6 criminal action for the recovery of a fine or penalty for the violation of a muni-  
 7 cipal ordinance, shall be commenced by the filing by the plaintiff with the clerk  
 8 of a praecipe for a summons in the form specified in the succeeding section, and  
 9 a statement of the plaintiff's claim.

Sec. 77. PRAECIPE—WHAT TO SPECIFY.] The praecipe required in the pre-  
 2 ceding and subsequent sections shall specify the court in which the action is  
 3 commenced, the names of the parties thereto, the classification and number of  
 4 the action and the date on which the summons or writ is to require the defendant  
 5 to appear, which date shall be some Monday not less than five (5) nor more than  
 6 thirty (30) days from the filing of the praecipe: *Provided, however,* that when  
 7 the amount of money or the value of the personal property sought to be re-  
 8 covered by the plaintiff does not exceed one hundred dollars (\$100) the time at  
 9 which the summons or writ is to require the defendant to appear shall be ten  
 10 o'clock a. m. sharp on some Monday or Thursday not less than five (5) nor more  
 11 than thirty (30) days from the filing of the praecipe. Such praecipe shall be  
 12 signed by the plaintiff or his attorney and shall specify the post office address  
 13 and place of business of the plaintiff if the action is not brought  
 14 by attorney, or the place of business of the plaintiff's attorney, if the action is  
 15 brought by attorney, and in default of such specification the clerk shall refuse  
 16 to file the same: *Provided, however,* that when there are more than two plain-  
 17 tiffs in any such action it shall be unnecessary to specify the post office ad-  
 18 dresses and places of business of more than two of said plaintiffs. If the  
 19 action be an attachment action it shall also give the names of the garnishees, if  
 20 any, to be summoned, and shall direct the issuance of summonses for such  
 21 garnishees. Whenever, after the commencement of the action, and before the

22 final determination thereof, the post office address or place of business of the  
 23 plaintiff, or the place of business of his attorney, as the case may be, shall be  
 24 changed, notice in writing thereof shall be given forthwith by the plaintiff to  
 25 the defendant or his attorney, if the defendant shall have entered his appearance.

Sec. 78. PRAECIPE AND STATEMENT OF CLAIM, ETC., TO BE FILED AS ONE PAPER.]

2 When practicable the statement of the plaintiff's claim, the affidavit for at-  
 3 tachment, the affidavit for replevin, or the complaint in a quasi criminal action  
 4 commenced by warrant, as the case may be, and the affidavit of claim herein-  
 5 after authorized, if any, shall be written upon the same sheet of paper as the  
 6 praecipe, and when that is impracticable, they shall be fastened together and  
 7 filed as one paper.

Sec. 79. STATEMENT OF CLAIM TO BE MERE MEMORANDUM.] The statement

2 of the plaintiff's claim provided for in the preceding section shall not, as here-  
 3 tofore, be a complete statement of all the elements which constitute a cause of  
 4 action, but shall be a mere memorandum specifying the nature of the cause of  
 5 action and giving such information as to place, time and other particulars as to  
 6 enable the defendant to ascertain the transaction or transactions respecting  
 7 which the action is brought and may be substantially as follows:

8 *First*—CONTRACT NOT IN WRITING FOR PAYMENT OF MONEY.] If the action

9 be upon a contract, express or implied, but not in writing, for the payment of  
 10 money, the statement shall specify on what account the money is claimed to be  
 11 due with such particulars as may appear to be reasonably necessary to inform  
 12 the defendant of the nature and extent of the plaintiff's demand.

13 *Second*—CONTRACT IN WRITING FOR PAYMENT OF MONEY.] If the action be

14 upon a negotiable instrument or other contract in writing for the payment of  
 15 money, the statement shall contain a copy of such negotiable instrument or other  
 16 contract in writing, or a specification of the date and name of the instrument  
 17 and such other particulars as will identify it.



18       *Third*—CONTRACT OTHER THAN FOR PAYMENT OF MONEY.] If the action be  
 19 upon a contract other than one for the payment of money, the statement shall  
 20 set forth the approximate date and substance of the contract, if it be not in  
 21 writing, or, if it be in writing, a copy or such specification of the particulars  
 22 thereof as will identify it, together with a specification of the breach thereof,  
 23 and, if special damages are claimed, the occasion thereof.

24       *Fourth*—INJURY TO REAL ESTATE.] If the action be for an injury to real  
 25 estate the statement shall set forth a description of the real estate, the nature  
 26 of the injury and the approximate date thereof.

27       *Fifth*—INJURY TO PERSONAL PROPERTY.] If the action be for an injury to  
 28 personal property the statement shall set forth in general terms a description  
 29 of the personal property injured, the nature of the injury and the approximate  
 30 date and place thereof, if the same be known to the plaintiff.

31       *Sixth*—LIBEL.] If the action be for a libel, the statement shall set forth the  
 32 libellous publication, or so much thereof as the plaintiff claims to be libellous,  
 33 and the approximate date and place of the publication thereof, and if special  
 34 damages be claimed, the occasion thereof.

35       *Seventh*—SLANDER.] If the action be for a slander, the statement shall set  
 36 forth the slanderous words, the approximate date and place of the utterance  
 37 thereof and, if special damages be claimed, the occasion thereof.

38       *Eighth*—MALICIOUS PROSECUTION.] If the action be for a malicious prosecu-  
 39 tion, the statement shall set forth the title of the action in which the plaintiff  
 40 claims to have been maliciously prosecuted, the dates of the commencement and  
 41 termination thereof, the court or courts in which the same was prosecuted, the  
 42 acquittal of the plaintiff, and, if special damages be claimed, the occasion  
 43 thereof.

44       *Ninth*—INJURY TO PERSON OR PROPERTY THROUGH NEGLIGENCE.] If the action  
 45 be for an injury to the plaintiff's person or property, or both, through the neg-  
 46 ligence of the defendant, the statement shall specify approximately the date



47 and place of the injury and that it was occasioned by the defendant's negli-  
 48 gence, and shall set forth upon what and by what means the injury was in-  
 49 flicted.

50 *Tenth*—DEATH BY WRONGFUL ACT, ETC.] If the action be for the death of  
 51 any person through the wrongful act, neglect or default of the defendant, the  
 52 statement shall set forth approximately the date and place of death, and that  
 53 the same occurred through the wrongful act, neglect or default of the defend-  
 54 ant, and the names of the next kin.

55 *Eleventh*—OTHER TORT, OR STATUTORY LIABILITY.] If the action be for any other  
 56 tort than one of the kind above mentioned, or for any statutory liability, the state-  
 57 ment shall set forth in general terms, the nature of the tort or statutory liability  
 58 and approximate date and place of the act by which the statutory liability was  
 59 created.

60 *Twelfth*—SEVERAL CAUSES OF ACTION.] When there are several causes of  
 61 action which may properly be joined in one action, but not in one claim, the  
 62 particulars of each, as above specified, shall be stated separately.

63 *Thirteenth*—MISCELLANEOUS CASES.] When the action is for any cause of  
 64 action not included in those specified in the preceding twelve clauses of this  
 65 section, the statement shall set forth the general nature of the cause of action,  
 66 the date and place, approximately, when it arose, and such other particulars  
 67 analogous to those hereinbefore prescribed with respect to other actions as will  
 68 reasonably inform the defendant of the general nature of the case he is called  
 69 upon to defend.

Sec. 80. FORMS OF STATEMENTS OF CLAIMS.] The following forms of state-  
 2 ments of claims shall be deemed to sufficiently comply with the provisions of  
 3 the preceding section and shall be taken as furnishing suggestions from which  
 4 other statements of claims may be properly framed.

5 . A. ACTIONS ON CONTRACTS NOT IN WRITING.

6           1. GOODS SOLD AND DELIVERED.] Plaintiff's claim is for goods sold and de-  
7   livered by plaintiff to defendant, to-wit:

|   |                                  |         |
|---|----------------------------------|---------|
| 8 | Jan. 10, 1905, 1 bbl. flour..... | \$ 4 00 |
|---|----------------------------------|---------|

|   |  |      |
|---|--|------|
| 9 | Jan. 15, 1905, 1 ton of hard coal..... | 8 00 |
|---|--|------|

10

|    |             |         |
|----|-------------|---------|
| 11 | Total ..... | \$12 00 |
|----|-------------|---------|

(If partial payments on account have been made by the defendant, or the defendant is entitled to other credits, the dates and amounts thereof and the balance due plaintiff, after deducting credits, should be specified.)

2. LABOR AND SERVICES.] Plaintiff's claim is for labor and services furnished by plaintiff to defendant as follows, to-wit: Ten days' work husking corn, commencing Nov. 1, 1908, and ending Nov. 11, 1908, at \$2.50 per day, total \$25.

18           3. WORK AND MATERIALS.] Plaintiff's claim is for work performed for  
19 and materials furnished to defendant by plaintiff as follows, to-wit: Two days'  
20 work as bricklayer building chimney on the premises known as 1806 Wabash  
21 avenue, Chicago, Nov. 1 and Nov. 3, 1908, at \$5 per day, and brick and other  
22 material therefor \$8, total \$18.

23           4. BOARD AND LODGING.] Plaintiff's claim is for board and lodging fur-  
24   nished by plaintiff to defendant for ten days, commencing Nov. 1, 1908, and  
25   ending Nov. 10, 1908, at \$1 per day, total \$10.

26           5. HIRE OF HORSE AND CARRIAGE.] Plaintiff's claim is for the use and hire  
27 of plaintiff's horse and carriage by defendant on the first day of November,  
28 1908. Amount claimed \$4.

29           6. CARE AND KEEPING OF HORSES.] Plaintiff's claim is for the care and  
30 keeping by the plaintiff for the defendant of ten horses for ten days, commenc-  
31 ing Nov. 1, 1908 and ending Nov. 10, 1908, at \$5 per day, total \$50.

32       7. PHYSICIAN'S AND SURGEON'S BILL.] Plaintiff's claim is for medical and  
 33 surgical services rendered by plaintiff to defendant, as follows:

|    |   |          |
|----|---|----------|
| 34 | Nov. 1, 1908, visit and consultation.....     | \$ 5 00  |
| 35 | Nov. 2, 1908, visit and consultation.....     | 5 00     |
| 36 | Nov. 3, 1908, operation for appendicitis..... | 250 00   |
| 37 |   | <hr/>    |
| 38 | Total .....                                   | \$260 00 |

39       8. ATTORNEY'S BILL.] Plaintiff's claim is for professional services ren-  
 40 dered by plaintiff as an attorney at law for the defendant in the case of John  
 41 Doe v. Richard Roe, in the circuit court of Cook county, commenced Nov. 1,  
 42 1905, and ended Nov. 1, 1908. Amount claimed \$500.

43       9. STORAGE OF GOODS.] Plaintiff's claim is for the storage by the plaintiff  
 44 from Nov. 1, 1907, to Nov. 1, 1908, in the plaintiff's warehouse at No. 5 Wabash  
 45 avenue, Chicago, Illinois, of 100 barrels of sugar at fifty cents per barrel,  
 46 making in all \$50.

47       10. USE AND OCCUPATION.] Plaintiff's claim is for the use and occupation  
 48 by the defendant from Nov. 1, 1905, to Nov. 1, 1908, of the premises known as  
 49 flat No. 6 in the apartment building at the southeast corner of 35th street and  
 50 Wabash avenue, the amount claimed being \$1,500.

51       11. WARRANTY.] Plaintiff's claim is for a warranty made by defendant on  
 52 or about Nov. 1, 1907, to the plaintiff that a certain horse was sound. Amount  
 53 claimed \$75.

54       12. BREACH OF PROMISE OF MARRIAGE.] Plaintiff's claim is for the breach  
 55 on or about Jan. 1, 1906, of a promise made by the defendant to marry the  
 56 plaintiff. Amount claimed \$25,000.

57       13. INJURY TO PROPERTY HIRED.] Plaintiff's claim is for the injury by  
 58 the defendant of a horse hired by the defendant from the plaintiff on or about  
 59 Nov. 1, 1907. Amount claimed \$50.

60       14. LOSS OF GOODS DELIVERED TO COMMON CARRIER.] Plaintiff's claim is for  
61 the loss of five barrels of sugar delivered by the plaintiff to the defendant at  
62 Chicago, Illinois, on or about Nov. 1, 1907, to be carried by the defendant.  
63 Amount claimed \$40.

64       15. NON-ACCEPTANCE OF PROPERTY MADE FOR DEFENDANT.] Plaintiff's claim  
65 is for the refusal by the defendant on or about Nov. 1, 1907, to accept the fol-  
66 lowing goods made by the plaintiff for the defendant, to-wit: One lumber  
67 wagon, the contract price being \$50. Amount claimed \$50.

68       16. NON-DELIVERY OF GOODS.] Plaintiff's claim is for the failure by the  
69 defendant to deliver on or about Nov. 1, 1907, a lumber wagon purchased by  
70 plaintiff from the defendant. Amount claimed \$50.

71       17. GOODS SOLD TO THIRD PERSON.] Plaintiff's claim is for goods sold by  
72 plaintiff to John Smith at defendant's request, as follows:

|    |  |         |
|----|--|---------|
| 73 | Jan. 1, 1905, 1 barrel of flour.....   | \$ 4 00 |
| 74 | Jan. 15, 1905, 1 ton of hard coal..... | 8 00    |
| 75 |  | _____   |
| 76 | Total .....                            | \$12 00 |

77                               B. ACTIONS ON CONTRACTS IN WRITING.

78       1. PROMISSORY NOTE.] Plaintiff's claim is for \$1,075, being the amount  
79 due him as indorsee against the defendant as maker of a promissory note, of  
80 which and of the indorsements thereon the following is a copy:

81   CHICAGO, ILLINOIS, January 2, 1907.

82       Ninety days after date for value received I promise to pay to the order  
83 of John Smith, at the Commercial National Bank of Chicago, the sum of one  
84 thousand dollars, with interest thereon at the rate of six per cent per annum.

85   RICHARD ROE.

86 Indorsed: John Smith.



(In lieu of the foregoing the following will suffice:)

Plaintiff's claim is for \$1,075, being the amount due him as indorsee against the defendant as maker of a promissory note for \$1,000, dated Jan. 2, 1907, made by the defendant at Chicago, Illinois, and payable to the order of John Smith three months after date, at the Commercial National Bank of Chicago, with interest at the rate of six per cent per annum, and by John Smith indorsed.

(If there are several defendants who are severally liable but who may be sued together, the forms of the above statements of claims should be varied accordingly. The first of said forms may then read as follows:)

Plaintiff's claim is for \$1,075, being the amount due him as indorsee against the defendant Richard Roe as maker and against the defendant John Smith as indorser of a promissory note of which and of the indorsements thereon the following is a copy:

(Here insert copy of note and of the indorsements thereon.)

2. LEASE OF REAL ESTATE.] Plaintiff's claim is as lessor against defendant as lessee for \$200, being rent due plaintiff from defendant under a lease in writing between plaintiff and defendant, dated April 30, 1907, and leasing to defendant for two years from that date at a rental of \$25 per month, payable monthly in advance on the first day of each month, the premises known as 6800 Wabash aveune, Chicago, Illinois.

(In lieu of the foregoing the following form may be used:)

Plaintiff's claim is as lessor against defendant as lessee for \$200, being rent due from defendant to plaintiff under a lease of which the following is a copy:

(Here insert copy of lease.)

3. POLICY OF LIFE INSURANCE.] Plaintiff's claim is against defendant as insurer by plaintiff as beneficiary in a life insurance policy issued by the defendant numbered 249789, dated Jan 2, 1905, for the amount of \$10,000, insur-

115 ing the life of William Doe, who died on or about Jan. 17, 1908. Amount  
116 claimed \$12,000.

117 (In lieu of the foregoing the following will suffice:)

118 Plaintiff's claim is against defendant as insurer by plaintiff as benefi-  
119 ary in a life insurance policy of which the following is a copy:

120 (Here insert copy of policy.)

121 The liability of the defendant is on account of the death of the insured  
122 William Doe on or about Jan. 17, 1908. Amount claimed \$12,000.

123 4. POLICY OF FIRE INSURANCE.] Plaintiff's claim is as insured against the  
124 defendant as insurer in a fire insurance policy numbered 4726, dated July 1,  
125 1907, for the sum of \$2,000, issued by the defendant, insuring plaintiff's house-  
126 hold furniture at 3917 Wabash avenue, Chicago, Illinois.

127 The liability of the defendant is on account of a fire occurring on the  
128 17th day of January, 1908. Amount claimed \$1,500.

129 (In lieu of the foregoing the following will suffice:)

130 Plaintiff's claim is as insured against defendant as insurer in a fire insur-  
131 ance policy of which the following is a copy:

132 (Here insert copy.)

133 The liability of defendant is on account of a fire occurring on the 17th  
134 day of January, 1908. Amount claimed \$1,500.

135 5. SPECIAL CONTRACT IN WRITING.] Plaintiff's claim is for the breach by  
136 the defendant of a contract in writing executed by the plaintiff and the de-  
137 fendant at Chicago, Illinois, on the 2d day of January, 1907, by the terms of  
138 which the defendant was required to deliver to the plaintiff free on board the  
139 cars at Pittsburg, Pa., on or before the first day of March, 1907, 2,000 tons  
140 of structural steel, the breach consisting in the non-delivery by the defend-  
141 ant of the steel as stipulated in the contract. The damages of plaintiff are  
142 \$2,000, being extra price paid by plaintiff for steel to replace that contracted

143 for, and \$1,000 special damage through delay occasioned to defendant in ful-  
 144 filling contract for erection of building at No. 1400 Wabash avenue, Chicago,  
 145 Illinois. Total damages claimed \$3,000.

146 (In lieu of the foregoing the following will suffice:)

147 Plaintiff's claim is for the breach by the defendant of a contract in writ-  
 148 ing of which the following is a copy:

149 (Here insert copy.)

150 The breach sued for consists in the non-delivery by the defendant of the  
 151 steel as stipulated in the contract. The damages of plaintiff are \$2,000, be-  
 152 ing extra price paid by plaintiff for steel to replace that contracted for, and  
 153 \$1,000 special damages through delay occasioned to defendant in fulfilling con-  
 154 tract for erection of building at No. 1400 Wabash avenue, Chicago, Illinois.  
 155 Total damages claimed \$3,000.

156 6. JUDGMENT RECOVERED.] Plaintiff's claim is for a judgment recovered  
 157 by plaintiff against defendant on the 2d day of January, 1891, in the circuit  
 158 court of Cook county, Illinois, for \$10,000 and costs of suit, in case general  
 159 number 85767 in said court. Amount claimed \$15,000.

160 7. REVIVAL OF JUDGMENT.] Plaintiff's claim is for the revival of a judg-  
 161 ment for \$1,000, entered by the municipal court of Chicago in favor of plain-  
 162 tiff and against defendant on the 2d day of January, 1909, in case contract  
 163 number 46219, the amount due thereon being \$500 with interest at the rate of  
 164 five per cent per annum from January 2, 1909. Amount claimed \$800.

165 8. APPEAL BOND.] Plaintiff's claim is upon an appeal bond in the penal  
 166 sum of \$10,000, dated Jan. 2, 1907, executed by defendants in the case of John  
 167 Doe v. Richard Roe, in the circuit court of Cook county, Illinois, being case  
 168 general number 92116, upon an appeal to the appellate court of the first dis-  
 169 trict from a judgment of said circuit court in favor of the plaintiff and  
 170 against the defendant for \$8,000 and costs of suit, the breach being the non-



171 payment of the judgment and costs mentioned in the bond. Amount claimed  
172 \$6,000.

173 (In lieu of the foregoing the following will suffice:)

174 The plaintiff's claim is on an appeal bond of which the following is a  
175 copy:

176 (Here insert copy.)

177 The breach sued for is the non-payment by the defendant of the amount  
178 of the judgment and costs mentioned in the bond. Amount claimed \$6,000.

179 9. ATTACHMENT BOND.] Plaintiff's claim is upon an attachment bond in  
180 the penal sum of \$10,000, dated Jan. 2, 1907, executed by the defendants in  
181 the case of Richard Roe v. John Doe, being case general number 254379, in the  
182 circuit court of Cook county, the breach being the failure of the defendant  
183 Richard Roe to prosecute his suit with effect, and also the non-payment of  
184 the costs of suit and the damages awarded for wrongfully suing out the at-  
185 tachment. Amount claimed \$5,000.

186 (In lieu of the foregoing the following will suffice:)

187 Plaintiff's claim is on an attachment bond of which the following is a  
188 copy:

189 (Here insert copy.)

190 The breach sued for is the failure of the defendant Richard Roe to prose-  
191 cute his attachment suit with effect, and also his failure to pay and satisfy  
192 the plaintiff the damages awarded for wrongfully suing out the attachment.  
193 Amount claimed \$5,000.

194 10. FORTHCOMING BOND.] Plaintiff's claim is upon a forthcoming bond  
195 in the penal sum of \$10,000, dated Jan. 2, 1907, executed by the defendant in  
196 the case of John Doe v. Richard Roe in the circuit court of Cook county, Illi-  
197 nois, being case general number 92347, the breach being the failure of defend-  
198 ant Richard Roe to surrender the property attached to answer the judgment



199 for \$8,000 rendered by said court in said suit against said Richard Roe  
 200 March 4, 1907. Amount claimed \$4,000.

201 (In lieu of the foregoing the following will suffice:)

202 Plaintiff's claim is upon a forthcoming bond of which the following is a  
 203 copy:

204 (Here insert copy.)

205 The breach sued for is the failure of defendant Richard Roe to sur-  
 206 render the property attached to answer the judgment for \$8,000 rendered  
 207 by said court in said suit against said Richard Roe March 4, 1907. Amount  
 208 claimed \$4,000.

209 11. SURETY BOND.] Plaintiff's claim is upon a surety bond in the penal  
 210 sum of \$10,000, dated Jan. 2, 1907, and numbered 94246, executed by defend-  
 211 ants for and on behalf of the defendant Richard Roe, the breach being non-  
 212 payment of moneys of the plaintiff wrongfully converted by the defendant  
 213 Richard Roe at divers times between Jan. 1, 1907 and Jan. 2, 1908. Amount  
 214 claimed \$3,500.

215 (In lieu of the foregoing the following will suffice:)

216 Plaintiff's claim is upon a surety bond of which the following is a copy:

217 (Here insert copy.)

218 The breach sued for is the non-payment of moneys of the plaintiff wrong-  
 219 fully converted by the defendant Richard Roe at divers times between Jan.  
 220 2, 1907 and Jan. 2, 1908. Amount claimed \$2,500.

221 C. ACTIONS FOR TORTS, OTHER THAN ACTIONS OF REPLEVIN AND ACTIONS FOR  
 222 THE TRIAL OF THE RIGHT OF PROPERTY.

223 1. MALICIOUS PROSECUTIONS.] Plaintiff's claim is for being maliciously  
 224 prosecuted by defendant on a charge of larceny through indictment in the

225 criminal court of Cook county, being case general number 64822, the prosecu-  
 226 tion being terminated March 1, 1907. Amount claimed \$5,000.

227 2. FALSE IMPRISONMENT.] Plaintiff's claim is for being falsely impris-  
 228 oned by defendant from Jan. 2, 1907, to Jan. 5, 1907, in Cook county, Illinois,  
 229 without due process of law. Amount claimed \$10,000.

230 3. ASSAULT AND BATTERY.] Plaintiff's claim if for an assault and battery  
 231 committed by defendant on plaintiff in Wabash avenue near Madison street  
 232 on or about Jan. 1, 1907. Amount claimed \$15,000.

233 4. SLANDER.] Plaintiff's claim is for slander uttered by defendant in  
 234 Cook county on or about Jan. 1, 1907, consisting of the following words, to-  
 235 wit: "He (i.e., the plaintiff) is a thief." Plaintiff claims special damages  
 236 because of discharge from employment by John Smith on or about Feb. 1,  
 237 1907, because of said slander. Amount claimed \$10,000.

238 5. LIBEL.] Plaintiff's claim is for the following libellous publication  
 239 made in Cook county by the defendant: "Richard Roe, who is carrying on  
 240 business as a practicing lawyer, is a shyster and incompetent to properly  
 241 transact business." Amount claimed \$20,000.

242 6. KEEPING MISCHIEVOUS ANIMALS.] Plaintiff's claim is for the keeping  
 243 by defendant of a dog known to be vicious, which bit the plaintiff on or about  
 244 Jan. 1, 1907. Amount claimed \$2,000.

245 7. CRIMINAL CONVERSATION.] Plaintiff's claim against defendant is for  
 246 criminal conversation with plaintiff's wife on or about Jan. 1, 1907. Amount  
 247 claimed \$25,000.

248 8. CONVERSION OF PERSONAL PROPERTY.] Plaintiff's claim is for the con-  
 249 version by the defendant on or about Jan. 1, 1907, of personal property of the  
 250 plaintiff, consisting of a horse and wagon. Amount claimed \$250.

251 9. SELLER OF LIQUOR.] Plaintiff's claim is for selling liquor from about  
 252 Jan. 1, 1907, or about March 1, 1907, by defendant to plaintiff's husband, John

253 Doe, resulting in plaintiff's injury in her person, property and means of sup-  
 254 port. Amount claimed \$2,000.

255 10. LESSOR OF SELLER OF LIQUOR.] Plaintiff's claim is for selling liquor  
 256 from about Jan. 1, 1907, to about March 1, 1907, by defendant's lessor, Rich-  
 257 ard Roe, to plaintiff's husband, John Doe, resulting in plaintiff's injury in  
 258 her person, property and means of support. Amount claimed \$2,000.

259 11. SELLER AND LESSOR OF SELLER OF LIQUOR.] Plaintiff's claim is against  
 260 defendant Richard Roe, as lessee, and defendant John Smith, as lessor, for  
 261 selling liquor from about Jan. 1, 1907, to about March 1, 1907, by said Rich-  
 262 ard Roe to plaintiff's husband, John Doe, resulting in the death of said John  
 263 Doe, causing injury to plaintiff in her person, property and means of sup-  
 264 port. Amount claimed \$10,000.

265 12. VIOLATION OF MINING LAW RESULTING IN INJURY OF PLAINTIFF.] Plain-  
 266 tiff's claim is for defendant's failure to keep a passageway in defendant's  
 267 coal mine in safe condition, resulting in plaintiff's injury on or about Jan. 1,  
 268 1907. Amount claimed \$15,000.

269 13. VIOLATION OF MINING LAW RESULTING IN DEATH OF PLAINTIFF'S INTES-  
 270 TATE.] Plaintiff's claim is for defendant's failure to keep a passageway in  
 271 defendant's coal mine in safe condition, resulting in death of plaintiff's in-  
 272 testate on or about Jan. 1, 1907, leaving Mary Doe and Henry Doe as next of  
 273 kin. Amount claimed \$10,000.

274 14. VIOLATION OF FIRE-ESCAPE ACT RESULTING IN INJURY TO PLAINTIFF.]  
 275 Plaintiff's claim is for defendant's failure to provide fire-escapes on defend-  
 276 ant's building No. 150 Madison street, resulting in plaintiff's injury on or  
 277 about Jan. 1, 1907. Amount claimed \$5,000.

278 15. VIOLATION OF FIRE-ESCAPE ACT RESULTING IN DEATH OF PLAINTIFF'S IN-  
 279 TESTATE.] Plaintiff's claim is for defendant's failure to provide fire-escapes  
 280 on defendant's building No. 150 Madison street, resulting in the death of

281 plaintiff's intestate on or about Jan. 1, 1907, leaving Mary Doe and Henry  
282 Doe as next of kin. Amount claimed \$10,000.

283 16. PROPELLING STEAM ENGINE ON PUBLIC HIGHWAY.] Plaintiff's claim is  
284 against defendant for injuries to his person caused by defendant's propelling  
285 a steam engine upon Madison street near State street in Chicago, on or about  
286 Jan. 1, 1907, in violation of an Act entitled, "An Act to protect persons and  
287 property from steam engines on public highways," in force July 1, 1885.  
288 Amount claimed \$5,000.

288 17. VIOLATION OF MOTOR VEHICLE LAW.] Plaintiff's claim is against de-  
290 fendant for personal injuries received by plaintiff in Madison street near  
291 State street in Chicago on or about Dec. 1, 1907, through defendant's pro-  
292 pelling an automobile in violation of the Act known as the Motor Vehicle Law,  
293 approved May 28, 1907. Amount claimed \$10,000.

294 18. UNLAWFULLY OBSTRUCTING A HIGHWAY.] Plaintiff's claim is against  
295 defendant for injuries to his person received in State street near Madison  
296 street, Chicago, on or about Jan. 1, 1907, through the obstructing by the de-  
297 fendant of the highway, in violation of the Act entitled, "An Act concerning  
298 travel upon public highways," in force July 1, 1895. Amount claimed \$2,000.

299 19. INJURY BY COLLISION WITH STREET CAR.] Plaintiff's claim is for injur-  
300 ies to his horse and wagon occurring on or about Jan. 1, 1907, in State street  
301 at or near its intersection with Madison street, Chicago, by collision with de-  
302 fendant's trolley car because of defendant's negligence. Amount claimed \$250.

303 20. INJURY TO PASSENGER BY COLLISION OF CARS.] Plaintiff's claim is for  
304 an injury to his person received on or about Jan. 1, 1907, while a passenger  
305 on defendant's railway car on the way from Chicago to Milwaukee, through a  
306 collision of cars occasioned by defendant's negligence. Amount claimed  
307 \$20,000.



308 21. INJURY TO PASSENGER ABOUT TO ENTER STREET CAR.] Plaintiff's claim  
309 is for injuries to his person received about Jan. 1, 1907, while about to enter  
310 defendant's street car in State street near Madison street, Chicago, caused by  
311 the sudden starting of the car through defendant's negligence. Amount  
312 claimed \$15,000.

313 22. INJURY TO PASSENGER ABOUT TO ALIGHT FROM STREET CAR.] Plaintiff's  
314 claim is for injury to his person received on or about Jan. 1, 1907, in State  
315 street near Madison street, Chicago, while about to alight from defendant's  
316 street car, caused by the sudden starting of the car through defendant's neg-  
317 ligence. Amount claimed \$10,000.

318 23. INJURY TO EMPLOYEE BY MACHINERY.] Plaintiff's claim is for the loss  
319 of his right hand on or about Jan. 1, 1907, by means of a cutting machine in  
320 defendant's factory in Randolph street and Fifth avenue, Chicago, occasioned  
321 by defendant's negligence. Amount claimed \$15,000.

322 24. LOSS OF GOODS BY INNKEEPER.] Plaintiff's claim is against defendant  
323 as an innkeeper for the loss of one suit of clothes on or about Jan. 2, 1907.  
324 Amount claimed \$100.

325 25. NEGLIGENCE OF ATTORNEY IN CONDUCTING CASE.] Plaintiff's claim is  
326 against defendant as an attorney for negligence in conducting the case of  
327 John Doe v. Richard Roe, Tort, No. 1750, in the circuit court of Cook county,  
328 from about July 1, 1909 to about July 1, 1911. Amount claimed \$5,000.

329 26. NEGLIGENCE OF ATTORNEY IN GIVING ADVICE.] Plaintiff's claim is  
330 against defendant as an attorney for negligence in advising plaintiff on or  
331 about Jan. 2, 1907, in respect to a certain contract between John Doe and  
332 Richard Roe. Amount claimed \$500.

333 27. NEGLIGENCE OF ATTORNEY IN EXAMINING TITLE.] Plaintiff's claim is  
334 against defendant as an attorney for negligence on or about Jan. 1, 1907, in  
335 examining the title to lot two in block 7 in the city of Joliet. Amount claimed  
336 \$2,000.

337        28. NEGLIGENCE OF SHERIFF AS TO SUMMONS.] Plaintiff's claim is against  
 338 defendant as sheriff for negligence on or about Jan. 1, 1910, in respect to the  
 339 service of a summons upon Richard Roe in the case of John Doe v. Richard  
 340 Roe, Contract, No. 1780, in the circuit court of Cook county. Amount claimed  
 341 \$1,000.

342        29. NEGLIGENCE OF SHERIFF AS TO EXECUTION.] Plaintiff's claim is against  
 343 defendant as sheriff for negligence on or about Jan. 1, 1910, in respect to the  
 344 service and levy of an execution issued in the case of John Doe v. Richard  
 345 Roe, Contract, No. 250, in the circuit court of Cook county. Amount claimed  
 346 \$500.

347        30. MALPRACTICE OF PHYSICIAN.] Plaintiff's claim is against defendant  
 348 as a physician for negligence in treating the plaintiff from about the first day  
 349 of January, 1909, to the first day of February, 1909. Amount claimed \$5,000.

350        31. MALPRACTICE OF SURGEON.] Plaintiff's claim is against defendant as  
 351 a surgeon for negligence in performing a surgical operation for appendicitis  
 352 upon plaintiff on or about the 10th day of March, 1909. Amount claimed  
 353 \$10,000.

354        32. NEGLIGENCE OF LANDLORD.] Plaintiff's claim is against defendant as  
 355 plaintiff's landlord for negligently failing to keep the premises known as  
 356 1400 State street, Chicago, Illinois, from Jan. 1, 1909, to about February 1,  
 357 1909, in proper condition, resulting in injury to plaintiff's health. Amount  
 358 claimed \$5,000.

359        33. NEGLIGENCE OF OCCUPANT OF PREMISES.] Plaintiff's claim is against  
 360 defendant as occupant of the premises known as No. 2876 Wabash avenue,  
 361 Chicago, for negligently failing to keep the same in proper condition from  
 362 about Jan. 1, 1909, to about Feb. 1, 1909, resulting in plaintiff's injury.  
 363 Amount claimed \$500.

364        34. NEGLIGENCE OF BAILEE OF PERSONAL PROPERTY.] Plaintiff's claim is  
 365 against defendant as bailee for damages for injuries to a wagon intrusted by

366 plaintiff to defendant as bailee, said injuries being occasioned through de-  
 367 fendant's negligence. Amount claimed \$50.

368 35. EXPLOSION OF BOILER.] Plaintiff's claim is against defendant for  
 369 injuries to his person received on or about Jan. 1, 1909, through the explosion  
 370 of a boiler at No. 150 Madison street, Chicago, occasioned by defendant's  
 371 negligence. Amount claimed \$10,000.

372 36. INJURY THROUGH UNSAFE MACHINERY.] Plaintiff's claim is against  
 373 defendant for personal injuries received by plaintiff at No. 150 Madison street,  
 374 Chicago, on or about Jan. 1, 1909, through the negligence of defendant in  
 375 having unsafe machinery. Amount claimed \$5,000.

376 37. INJURY BY AN ELEVATOR.] Plaintiff's claim is against defendant for  
 377 personal injuries received by plaintiff's intestate on or about Jan. 1, 1908, at  
 378 No. 150 Madison street, Chicago, by an elevator, said injuries being occas-  
 379 ioned by defendant's negligence, and resulting in the death of said intestate,  
 380 the next of kin being Mary Roe and Henry Roe. Amount claimed \$10,000.

381 38. INJURY THROUGH A DEFECTIVE SIDEWALK.] Plaintiff's claim is against  
 382 defendant for personal injuries received by plaintiff on or about Jan. 1, 1909,  
 383 in Madison street near State street because of the defective condition of a  
 384 sidewalk through defendant's negligence. Amount claimed \$5,000.

385 D. STATUTORY LIABILITIES.

386 1. FAILURE OF SHERIFF TO TAKE FORTHCOMING BOND.] Plaintiff's claim is  
 387 against defendant as sheriff for failure to take a forthcoming bond on or  
 388 about Jan. 1, 1907, in the case of John Smith v. John Jones, Attachment, No.  
 389 750, in the circuit court of Cook county. Amount claimed \$3,500.

390 2. TAKING BY SHERIFF OF INSUFFICIENT FORTHCOMING BOND.] Plaintiff's  
 391 claim is against defendant as sheriff for taking an insufficient forthcoming  
 392 bond on or about Jan. 1, 1907, in the case of John Smith v. John Jones, At-

393 tachment, No. 750, in the circuit court of Cook county. Amount claimed  
394 \$3,500.

395 3. UNPAID SUBSCRIPTION TO STOCK.] Plaintiff's claim is against defend-  
396 ant on a subscription made on or about the first day of January, 1907, for  
397 fifty shares of the capital stock of the Peerless Motor Company. Amount  
398 claimed \$5,000.

399 4. LIABILITY OF DIRECTOR OF CORPORATION.] Plaintiff's claim is against  
400 defendant as director of the Peerless Motor Company, under section 16 of  
401 chapter 32 of the Revised Statutes, the plaintiff being a creditor of said cor-  
402 poration to the amount of \$1,000 and interest from Jan. 1, 1907, at six per  
403 cent per annum, his claim against the corporation being a promissory note  
404 executed to him by the corporation for the sum of \$1,000, dated Jan. 1, 1907,  
405 payable one year after date with interest at the rate of six per cent per an-  
406 num. Amount claimed \$1,500.

407 5. RECOVERY OF MONEY LOST BY GAMBLING.] Plaintiff's claim is for  
408 money lost by plaintiff to the defendant in gambling with cards on or about  
409 Jan. 1, 1907. Amount claimed \$750.

410 6. RECOVERY OF TREBLE AMOUNT OF MONEY LOST IN GAMBLING.] Plaintiff's  
411 claim is for treble the amount of money lost by John Smith to the defendant  
412 by gambling on the board of trade in wheat and corn on divers dates be-  
413 tween January 1, 1907, and March 1, 1907. Amount claimed. \$15,000.

414 7. VIOLATION OF CIVIL RIGHTS LAW.] Plaintiff's claim is against defend-  
415 ant as keeper of the Auditorium Annex for denying plaintiff the full and  
416 equal enjoyment allowed other persons of the privileges of said Auditorium  
417 Annex on or about January 1, 1908. Amount claimed, \$1,000.

418 8. VIOLATION OF RAILROAD AND WAREHOUSE ACT BY EXTORTION.] Plaintiff's  
419 claim is to recover treble damages, with costs and attorney's fees, for ex-  
420 tortionate charges made by defendant to plaintiff, being the sum of \$100, on



421 or about January 1, 1908, upon a carload of horses shipped by plaintiff  
 422 through defendant from Chicago, Illinois, to Kansas City, Missouri. Amount  
 423 claimed, \$400.

424 E. ACTIONS ON SEVERAL CLAIMS.

425 When the plaintiff unites several claims in the same action the form of  
 426 the statement may be as follows:

427 Plaintiff's claims are as follows:

428 1. Labor and services furnished by plaintiff to defendant as follows, to-  
 429 wit: Ten days' work husking corn, commencing November 1, 1908, and end-  
 430 ing November 11, 1908, at \$2.50 per day, or \$25 in all.

431 2. The amount due plaintiff as indorsee by defendant as maker of a  
 432 promissory note for \$50, dated January 2, 1907, made by defendant at Chi-  
 433 cago, Illinois, and payable to the order of John Smith six months after date  
 434 with interest at the rate of six per cent per annum, and by John Smith in-  
 435 dorsed, the amount being \$50, with interest at six per cent per annum, from  
 436 January 2, 1907.

Sec. 81. FORM OF PRAECIPE AND STATEMENT OF CLAIMS, ETC.] The following  
 2 form of praecipe and statement of claim and other papers filed therewith  
 3 shall be deemed to sufficiently comply with the provisions of the preceding  
 4 four sections, and shall be taken as furnishing suggestions from which other  
 5 similar papers may be properly framed:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|   |                              |                      |
|---|------------------------------|----------------------|
| 7 | John Doe                     | } Contract. No. 217. |
| 8 | v.                           |                      |
| 9 | Richard Roe and William Roe. |                      |

## PRAECIPE.

To the clerk of said court:

Please issue a summons requiring the appearance of the defendants on Monday, the 24th day of February, 1908.

Plaintiff demands a trial by jury.

HENRY BROWN,

*Attorney for Plaintiff,*

927 Marquette Building, Chicago.

## STATEMENT OF CLAIM.

Plaintiff's claim is for the amount due him as endorsee from defendants as makers of a promissory note for \$1,000, dated January 2, 1907, made by the defendants at Chicago, Illinois, and payable to the order of John Smith. three months after date at the Commercial National Bank of Chicago, for value received, with interest at the rate of six per cent per annum, and by John Smith endorsed. Amount claimed, \$1,100.

HENRY BROWN,

*Attorney for Plaintiff.*

## AFFIDAVIT OF CLAIM.

John Doe on his oath says that he is the plaintiff in the above entitled action; that his claim is for the amount due upon the promissory note described in the foregoing statement; that said promissory note was duly endorsed to the plaintiff for value before maturity and that there is now due thereon from the defendants to the plaintiff, after allowing to the defendants all their just credits, deductions and set-offs, the sum of one thousand dollars (\$1,000), with interest thereon from the second day of January, 1908, at the rate of six per cent per annum.

JOHN DOE.

Subscribed and sworn to before me, this 18th days of February, 1908.

JOHN SMITH, *Clerk.*

## NOTE 1.

If the plaintiff does not demand a jury trial, the words "plaintiff demands a jury trial" are to be omitted from the praecipe.

## NOTE 2.

If the amount claimed by the plaintiff does not exceed one hundred dollars (\$100), the praecipe shall specify that the summons shall require the appearance of the defendant at ten o'clock a. m. sharp of the day therein fixed for his appearance.

Sec. 82. PAPERS SUBSEQUENT TO PRAECIPE—WHAT TO SPECIFY.] Every paper filed by either party subsequent to the praecipe in any action of any kind or character brought in the municipal court, shall also specify the court in which the action is commenced, and the title, classification and number of the action. In an action in which there are more than one plaintiff or more than one defendant the title shall consist of the names of the first party plaintiff and first party defendant, with the usual indication, by the letters “et al.,” that there are additional parties to the action. Every copy of a paper served by any party to an action upon any other party thereto shall be true and complete, including all names signed thereto, and shall contain the same specifications in this section required with respect to a paper filed and no party shall be compelled to accept service of, nor shall any costs be taxed for serving, any paper not a true and complete copy as aforesaid and not containing such specifications.

Sec. 83. PAPERS NOT TO BE FOLDED—NO WRITING ON BACK—EXCEPTION.] No paper filed shall be folded or contain any endorsements on the back thereof, but every endorsement authorized or required by this Act to be made upon any paper shall be made upon the face thereof: *Provided, however,* that an officer's return, or an affidavit of service, of a summons or writ may be written upon the back thereof, when the space upon the front thereof is insufficient for that purpose.

Sec. 84. FILE MARK—FLAT FILING SYSTEM—MARGIN.] The certificate of the  
2 filing of each paper shall in all cases be upon the face thereof and all papers  
3 filed shall be preserved in accordance with the system known as the “flat fil-  
4 ing system.” All papers filed and all blank forms used in the business of the  
5 court shall have a margin of at least one and one-half inches in width on the  
6 left hand side thereof, upon which there shall be no other written or printed  
7 matter than the clerk’s certificate of filing and such other memoranda as may  
8 be required by the rules of the court.

Sec. 85. SUMMONS—WHEN ISSUED—FORM.] Upon the filing in any action  
2 at law for the recovery of money only, other than an attachment action, an  
3 action where special bail may be required, an action on a recognizance or an  
4 action of bastardy, of the praecipe and statement of claim, the clerk of the  
5 court shall issue and deliver to the plaintiff a summons to the defendant com-  
6 manding him to appear in person or by attorney at the place of holding said  
7 court on the day or at the time specified in the praecipe to answer to the action  
8 brought against him by the plaintiff. Such summons, as well as every sum-  
9 mons or writ hereinafter provided for, shall specify the court in which the  
10 action is pending, and the title, number and classification thereof, and shall be  
11 prepared for the signature of the clerk by the plaintiff or his attorney, and  
12 shall be issued under the seal of the court, tested in the name of the clerk  
13 thereof, dated on the day it shall be issued and signed with his name. When-  
14 ever the plaintiff shall so request the clerk shall issue as many such summonses  
15 as the plaintiff shall specify, not exceeding by more than three the number of  
16 defendants to be summoned, each of which shall have the force and effect of  
17 an original summons, and said summonses shall also be prepared for the signa-  
18 ture of the clerk by the plaintiff or his attorney, and the plaintiff or his at-  
19 torney shall in all cases prepare all copies of summonses and writs to be



served as hereinafter provided. Such summonses may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                   |
|--------------|---|-------------------|
| John Doe     | } | Contract. No. 20. |
| v.           |   |                   |
| Richard Roe. |   |                   |

SUMMONS.

The People of the State of Illinois—GREETING to Richard Roe:

You are hereby commanded to appear in person or by attorney before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 17th day of February, 1908, to answer to the above entitled action at law for the recovery of the sum of one thousand dollars (\$1,000) brought against you in said court by John Doe.

Witness John Smith, clerk of said municipal court, and the seal thereof, at Chicago, Illinois, this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

NOTE.

If the amount claimed by the plaintiff does not exceed one hundred dollars (\$100) the summons shall require the appearance of the defendant at 10 o'clock a. m. sharp of the day therein fixed for his appearance.

The foregoing form may be made applicable to other actions, hereinafter provided for, by substituting for the words "at law for the recovery of the sum of one thousand dollars (\$1,000)" the following:

*First*—TRIAL OF RIGHT OF PROPERTY.] In an action for the trial of the right of property, the words "for the trial of the right of property."

*Second*—FORCIBLE DETAINER.] In an action of forcible detainer, the words "of forcible detainer."

48     *Third*—REVIVAL OF JUDGMENT.] In an action to revive a judgment, the  
 49 words “to revive a judgment upon which there is claimed to be due one thou-  
 50 sand dollars (\$1,000).”

51     *Fourth*—EQUITY.] In an action in equity, the words “in equity.”

52     *Fifth*—DISTRESS FOR RENT.] In an action of distress for rent, the words  
 53 “of distress for rent to the amount of one thousand dollars (\$1,000).”

Sec. 86. HOW SUMMONS OR WRIT SERVED—EXCEPTIONS.] Service of any  
 2 summons or writ, other than a *capias ad respondendum* or other writ requir-  
 3 ing the arrest of the person therein named, shall be made by delivering either  
 4 a copy or one of the originals thereof, together with a copy of the plaintiff’s  
 5 praecipe and statement of claim, praecipe, distress warrant and inventory, or  
 6 bill of complaint in equity, praecipe, affidavit and bond in attachment, or prae-  
 7 cipe, affidavit and bond in replevin, as the case may be, and of all other papers  
 8 required by this Act to be served therewith upon the defendant, to the proper  
 9 person and informing such person of the contents of such original or copy of  
 10 the summons or writ, as follows:

11     *First*—WHEN DEFENDANT AN INDIVIDUAL SUI JURIS.] If the defendant be an  
 12 individual, and not a minor or person of unsound mind, or person judicially  
 13 declared to be a drunkard or spendthrift and for whom a guardian has been  
 14 appointed, such delivery shall be made to such defendant, or, if the defendant  
 15 cannot be conveniently found, it shall be made at his usual place of abode to  
 16 some person of the family of the age of ten years or upwards.

17     *Second*—WHEN DEFENDANT A MINOR.] If the defendant be a minor such  
 18 delivery shall be made to him and a like delivery shall also be made to his  
 19 father, mother, or guardian, or, if there be none within the city of Chicago,  
 20 then to any person having the care or control of such minor or with whom he  
 21 shall reside or in whose service he shall be employed: *Provided, however,*  
 22 that if such father, mother, guardian or other person be the plaintiff or one

23 of the plaintiffs in the action, such summons or writ shall be served in such  
24 manner as the court may direct.

25 *Third*—WHEN DEFENDANT OF UNSOUND MIND, ETC., WITHOUT GUARDIAN.] If  
26 the defendant be a person of unsound mind for whom no guardian or conserva-  
27 tor has been appointed, such service shall be made in such manner as the  
28 court may, by general rule or otherwise, direct.

29 *Fourth*—WHEN DEFENDANT OF UNSOUND MIND, ETC., WITH CONSERVATOR.] If  
30 the defendant be a person judicially declared to be of unsound mind, a drunk-  
31 ard, or spendthrift, for whom a guardian or conservator has been appointed,  
32 such delivery shall be made to him, and a like delivery shall also be made to  
33 his guardian or conservator.

34 *Fifth*—INCORPORATED COMPANY.] If the defendant be an incorporated com-  
35 pany, other than a municipal corporation, such delivery shall be made to its  
36 president, vice president, secretary, treasurer, or cashier, if either of them may  
37 be found within the city of Chicago, but if neither of such officers can be con-  
38 veniently found in the city of Chicago then such delivery may be made to any  
39 clerk, superintendent, general agent, engineer, conductor, station agent or any  
40 other agent of such corporation who may be found in said city of Chicago:  
41 *Provided, however,* that when any such corporation has an officer or employe  
42 designated as general counsel, general attorney, or local attorney, such delivery  
43 may be made in any case, if the plaintiff so elect, to such general counsel,  
44 general attorney or local attorney or to any clerk in the office of such general  
45 counsel, general attorney or local attorney.

46 *Sixth*—COUNTY.] If the defendant be the county of Cook such delivery  
47 shall be made to the clerk or chairman of the county board: *Provided, how-*  
48 *ever,* that if said county have an officer or employe designated as county at-  
49 torney such delivery may be made in any case, if the plaintiff so elect, to such  
50 county attorney or to any assistant or other person employed in the office of  
51 such county attorney.

52       *Seventh—CITY.*] If the defendant be the city of Chicago such delivery  
 53 shall be made to the corporation counsel or city attorney or to the mayor or  
 54 clerk of said city, or to any assistant or other employe in the office of the cor-  
 55 poration counsel or city attorney of said city.

56       *Eighth—OTHER MUNICIPAL CORPORATION.*] If the defendant be a municipal  
 57 corporation other than the city of Chicago such delivery shall be made to the  
 58 officer, employe or agent thereof to whom a like delivery may be made in the  
 59 case of a summons issued out of a circuit court.

60       *Ninth—RECEIVER OF CORPORATION.*] If the defendant be the receiver of an  
 61 incorporated company such delivery shall be made to such receiver, if he may  
 62 be conveniently found in the city of Chicago, but if he shall not be conveni-  
 63 ently found in said city, then such delivery may be made to any attorney, clerk,  
 64 secretary, superintendent, general agent, engineer, conductor, station agent or  
 65 any agent in the employ of such receiver, or receivers, who may be found in  
 66 said city.

67       *Tenth—TRUSTEE OPERATING RAILWAY.*] If the defendant be a trustee operat-  
 68 ing, managing or controlling a railway, such delivery shall be made to him, if  
 69 he may be conveniently found within the said city, but if he shall not be con-  
 70 veniently found in said city, then such delivery shall be made to any attorney,  
 71 clerk, secretary, superintendent, general agent, engineer, conductor, station  
 72 agent or any agent in the employ of such trustee who may be found in said  
 73 city.

74       *Eleventh—NON-RESIDENT CO-PARTNERSHIP.*] If the defendants be members of  
 75 a co-partnership, all of whom are non-residents of this State, but having a place  
 76 or places of co-partnership business within the city of Chicago, such delivery  
 77 may be made to any agent of such co-partnership, but in any such case the  
 78 judgment, if any be rendered against the defendants, shall only be valid as  
 79 against the property of such co-partnership within the city of Chicago.



Sec. 87. GARNISHEE SUMMONS—HOW SERVED.] Service of a garnishee summons shall be made by the delivery of a copy thereof, together with a copy of the plaintiff's interrogatories, to the person to whom, by the provisions of this Act, delivery of a summons to a defendant may be made and informing such person of the contents of such summons.

Sec. 88. SERVICE OF COPIES WHEN DEFENDANTS ARE NUMEROUS OR NON-RESIDENT.] When, in any action at law or action in equity, there are more than two defendants, the copies of the papers hereinbefore provided to be attached to the originals or copies of the summonses or writs shall not be attached to the originals or copies of the summonses or writs to be served upon more than the first two persons named as defendants; and when, in any action, any defendant or group of defendants not served with copies of such papers shall enter an appearance separate from the appearance of the parties who have received such copies, the plaintiff shall, upon notice in writing of such appearance, deliver to each of said defendants, or group of defendants, or to their respective attorneys, a copy of each of said papers. Each defendant or group of defendants in any action, whether at law or in equity, who have been notified by publication of notice only and who enter separate appearances, shall likewise receive from the plaintiff, upon notice in writing of such appearance, copies of each of the papers required by this Act to be delivered to defendants personally served with the summons or writ.

Sec. 89. WHO MAY SERVE SUMMONS OR WRIT—PROOF OF SERVICE—OFFICER'S RETURN—AFFIDAVIT OF SERVICE.] Any summons may be served by any sheriff, deputy sheriff, coroner, or deputy coroner of Cook county in which such service is had, or by the bailiff or any deputy bailiff of said municipal court, or by any person over the age of eighteen years not a party to the action; but an attachment writ, replevin writ, or a *capias ad respondendum* or other writ

7 or warrant requiring the arrest of the defendant, must be served and executed  
8 by a bailiff or deputy bailiff of the municipal court, or by some person spe-  
9 cially authorized thereto by the court by endorsement by a judge of the order  
10 therefor upon such writ. When service or execution of any summons or writ  
11 is made by the sheriff, deputy sheriff, coroner, deputy coroner, bailiff or dep-  
12 uty bailiff, proof of such service may be made by the return of such officer  
13 endorsed upon such summons or writ and signed by him. When service of  
14 any summons is made by any person other than the sheriff, deputy sheriff,  
15 coroner, deputy coroner, bailiff or deputy bailiff, proof of such service shall be  
16 made by the affidavit of the person making such service endorsed on such sum-  
17 mons or attached thereto, which affidavit shall state the name, place of resi-  
18 dence, age and occupation of the person making such service, and the date,  
19 place and manner of such service. When the plaintiff delivers any summons  
20 or writ for service to the sheriff, deputy sheriff, coroner, deputy coroner,  
21 bailiff or deputy bailiff, the plaintiff shall, at the same time, deliver to such  
22 officer the copies of the summons or writ, with copies of the praecipe and state-  
23 ment of claim, praecipe, distress warrant and inventory, bill of complaint in  
24 equity, praecipe, affidavit and bond in attachment, or, praecipe, affidavit and  
25 bond in replevin, as the case may be, and of all other papers required to be  
26 served upon the defendant or upon any garnishee, attached thereto, to be de-  
27 livered to the defendant or garnishee as provided in the preceding section.  
28 The fees of the sheriff, deputy sheriff, coroner, deputy coroner, bailiff or dep-  
29 uty bailiff for the service of any summons or writ shall be such as may be  
30 provided, from time to time, by law, and whenever any summons is served by  
31 any person other than the sheriff, deputy sheriff, coroner, deputy coroner,  
32 bailiff or deputy bailiff, the party in whose behalf the summons is served shall  
33 be entitled to have taxed, as costs in the action in his favor, an amount equal  
34 to one-half of the fees allowed by law to the bailiff for such service. The re-

turn of any officer of the service of any summons or writ, or the affidavit of service, when the same is not by an officer, shall be made, when practicable, upon such summons or writ or shall be attached thereto. It shall be unnecessary to attach to the summons or writ thus returned copies of the papers served therewith, but it shall be sufficient that the return or affidavit specify that the copies of the papers, naming them, were served with such summons or writ. The following forms of returns and affidavits of service shall be deemed sufficient and shall be taken as suggestions from which other returns and affidavits of service may be properly framed:

1. OFFICERS RETURN OF SERVICE OF WRIT OF REPLEVIN.] I hereby certify that

I have duly served the within writ of replevin this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's praecipe, affidavit for replevin and replevin bond, to the above named defendant, Richard Roe, and informing said Richard Roe of the contents of such copy of the writ of replevin, and that I have further executed the same by replevying from the possession of the defendant, Richard Roe, the within described property, to-wit: One bay horse about six years old with white star in forehead, and one roan horse about five years old, and delivering the same to the plaintiffs John Doe and William Doe.

HENRY BROWN,

*Bailiff of the Municipal Court of Chicago.*

2. AFFIDAVIT OF SERVICE OF SUMMONS.] Henry Smith, on his oath, says that

he resides at 1875 Washington boulevard, Chicago, Illinois; that his age is twenty-five years and his occupation that of a clerk in the office of Jones & Brown, attorneys at law, 817 Marquette Building, Chicago, Illinois; and that he has duly served the within summons this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's praecipe and statement of claim, to Mary Roe at the usual place of abode of the within named defendant, Richard Roe, the said Mary Roe being a person of the family of said Richard Roe and of the age of upwards of ten years, and informing said



65 Mary Roe of the contents of such copy of the summons at Chicago, Illinois  
 66 service being made upon said Mary Roe because said Richard Roe could not  
 67 be conveniently found.

HENRY SMITH.

68  
 69 Subscribed and sworn to before me this 18th day of February, 1908.

JOHN SMITH, *Clerk*.

70  
 Sec. 90. WHEN DÉFENDANT MAY BE NOTIFIED BY PUBLICATION.] A defend-

2 ant may be notified of the pendency of an action or proceeding in the municipi-  
 3 pal court by publication of notice in a newspaper, to the extent and in the  
 4 manner hereinafter prescribed, in the following cases:

5 *First*—ATTACHMENT.] In actions of attachment, including attachment of  
 6 water craft and attachment in aid.

7 *Second*—DISTRESS FOR RENT.] In actions of distress for rent.

8 *Third*—REPLEVIN.] In actions of replevin.

9 *Fourth*—TRIAL OF RIGHT OF PROPERTY.] In actions for the trial of the right  
 10 of property.

11 *Fifth*—FORCIBLE DETAINER.] In actions of forcible detainer.

12 *Sixth*—REVIVAL OF JUDGMENT.] In actions to revive judgments.

13 *Seventh*—EQUITY.] In actions in equity.

14 *Eighth*—RECOGNIZANCE.] In actions on recognizances.

15 *Ninth*—OTHER ACTIONS.] In all other actions and proceedings in which such  
 16 notice by publication is permitted by the laws in force at the time of the tak-  
 17 ing effect of this Act.

Sec. 91. NOTICE BY PUBLICATION TO NON-RESIDENTS — FORMS OF AFFIDAVIT—

2 FORM OF NOTICE.] Whenever any plaintiff or other party to the action or pro-  
 3 ceeding, or his agent or attorney, in any action or proceeding mentioned in  
 4 the preceding section pending in the municipal court shall file in the office of



5 the clerk an affidavit showing that any defendant or other party to the action  
6 or proceeding resides or has gone out of this State, or on due inquiry can-  
7 not be found, or is concealed within this State so that process cannot be  
8 served upon him, stating the place of residence of such party, if known, or  
9 that upon diligent inquiry his place of residence cannot be ascertained, or that  
10 any defendant or other party to the action or proceeding is a foreign corpo-  
11 ration and that upon due inquiry no officer or agent of such foreign corpora-  
12 tion, upon whom process can be served in such action or proceeding, can be  
13 found in this State, the clerk shall cause publication to be made in some news-  
14 paper printed in his county, and, if there be no newspaper printed in his  
15 county, then in the nearest newspaper published in this State, containing  
16 notices of the pendency of such action or proceeding, a specification of the  
17 court in which the action is pending, the names of the parties thereto, and the  
18 time and place at which the defendant or other party to the action or pro-  
19 ceeding is required to appear, which day shall be some Monday not less than  
20 forty (40) nor more than sixty (60) days from the filing of the affidavit, and,  
21 if the action be an action at law for the recovery of money only, or an action  
22 to revive a judgment for money only, the amount of the plaintiff's claim, and  
23 he shall also, within ten days of the first publication of such notice, send a  
24 copy thereof by mail addressed to such defendant or other party to the action  
25 or proceeding whose place of residence is stated in such affidavit. The affida-  
26 vit in this section provided for may be a separate affidavit, or it may form part  
27 of an affidavit verifying a bill of complaint in equity or of any other affidavit  
28 filed by the party on whose behalf the notice is to be published. The certifi-  
29 cate of the clerk that he has sent such notice in pursuance of this section shall  
30 be evidence. The following forms of affidavit and notice by publication to a  
31 non-resident defendant in a court of original jurisdiction shall be deemed suffi-

cient and shall be taken as furnishing suggestions from which other affidavits  
and notices may be properly framed:

1. AFFIDAVIT OF NON-RESIDENT STATING PLACE OF RESIDENCE.  
IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                    |   |                   |
|--------------------|---|-------------------|
| John Doe           | } | Replevin. No. 25. |
| v.                 |   |                   |
| Richard Roe et al. |   |                   |

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe, on his oath, says that he is the plaintiff in the above entitled  
action and that the defendants, Richard Roe and Mary Roe, reside out of the  
State of Illinois, and that the place of residence of each of them is at Koko-  
mo, in the State of Indiana.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

2. NOTICE BY PUBLICATION IN REPLEVIN.  
IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |   |                   |
|-----------------|---|-------------------|
| John Doe        | } | Replevin. No. 25. |
| v.              |   |                   |
| Richard Roe and |   |                   |
| Mary Roe.       |   |                   |

NOTICE BY PUBLICATION.

To Richard Roe and Mary Roe:

You are hereby notified to appear before the municipal court of Chicago at  
No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 23d day of March,  
1908, to answer to the above entitled action of replevin brought against you  
in said court by John Doe, as plaintiff.

Dated Chicago, Illinois, February 10, 1908.

JOHN SMITH, *Clerk.*

Sec. 92. NOTICE TO UNKNOWN OWNERS, HEIRS AND DEVISEES — AFFIDAVIT —

2 FORMS.] In any action in equity, or in any other action concerning the title  
 3 to real estate, if there be persons interested in the same whose names are un-  
 4 known, it shall be lawful to make such persons parties to such action by the  
 5 names and descriptions of unknown owners, or unknown heirs or devisees of  
 6 any deceased person who may have been interested in the subject matter of the  
 7 action previous to his or her death; but in all such cases an affidavit shall be  
 8 filed by the party desiring to make any unknown persons parties stating that  
 9 the names of such persons are unknown; and process may be issued against  
 10 all parties by the name and description given as aforesaid; and notice given  
 11 by publication to such unknown owners, heirs or devisees shall be sufficient to  
 12 authorize the court to hear and determine the action as though all parties had  
 13 been sued by their proper names. The following forms of affidavit and notice  
 14 by publication to unknown persons in an action in a court of original jurisdic-  
 15 tion shall be deemed sufficient and shall be taken as furnishing suggestions  
 16 from which other affidavits and notices may be properly framed:

17 1. AFFIDAVIT THAT HEIRS AND DEVISEES OF DECEASED PERSON ARE UNKNOWN.  
 18 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

19 John Doe  
 20 v.  
 21 Richard Roe and the unknown } In Equity. No. 75.  
 22 heirs and devisees of Henry  
 23 Roe, deceased.

24 AFFIDAVIT FOR PUBLICATION OF NOTICE.

25 John Doe, on his oath, says that he is the plaintiff in the above entitled  
 26 action, and that Henry Roe is a deceased person who was interested in the  
 27 subject-matter of the above entitled action previous to his death, and that the  
 28 names of all of the heirs and devisees of said Henry Roe, deceased, are un-  
 29 known to the plaintiff.

30 JOHN DOE.

31 Subscribed and sworn to before me this 10th day of February, 1908.

32 JOHN SMITH, Clerk.

2. NOTICE BY PUBLICATION TO UNKNOWN HEIRS AND DEVISEES.  
IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                             |                      |
|-----------------------------|----------------------|
| John Doe                    | } In Equity. No. 75. |
| v.                          |                      |
| Richard Roe and the unknown |                      |
| heirs and devisees of Henry |                      |
| Roe, deceased.              |                      |

NOTICE BY PUBLICATION.

To the unknown heirs and devisees of Henry Roe, deceased:

You are hereby notified to appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 23d day of March, 1908, to answer to the above entitled action in equity brought against you in said court by John Doe as plaintiff.

Dated Chicago, Illinois, February 10, 1908.

JOHN SMITH, *Clerk.*

Sec. 93. WHEN NOTICE NOT TO BE VOID FOR INSUFFICIENCY OF AFFIDAVIT.]

No notice by publication, as provided for in this Act, shall be deemed void, or insufficient to confer upon the court jurisdiction of the persons of the parties thus notified, on account of any defect, insufficiency or irregularity of any affidavit hereinbefore provided for, if, by additional affidavit or otherwise, it shall be made to appear to the satisfaction of the municipal court, or the court into which the action may be removed by appeal or writ of error, that the requisite facts existed at the time such original affidavit was filed which authorized such notice by publication.

Sec. 94. WHEN NOTICE MAY BE GIVEN—PUBLICATION—DEFAULT.] The notice

required in the preceding sections may be given at any time after the commencement of the action and shall be published at least once in each week for four successive weeks, and no default or proceeding shall be taken against any defendant not served with the summons or writ and not appearing, unless forty (40) days shall intervene between the first publication as aforesaid and the day on which such defendant is required by the notice to appear.



Sec. 95. PAYMENT OF FEES OF PUBLISHER — PUBLISHERS' FEES FIXED BY

2 JUDGES—DESIGNATION OF NEWSPAPER—REBATES FORBIDDEN.] The fees of the pub-  
 3 lisher for the publication of any notice provided for in the preceding section  
 4 shall be deposited by the plaintiff with the clerk at the time of the filing by  
 5 the plaintiff of the affidavit hereinbefore provided for, and shall be paid by  
 6 the clerk to the publisher upon the return by the publisher of his certificate  
 7 showing the due publication of such notice. The fees of the publishers for the  
 8 publication of notices shall be fixed by the judges of the municipal court and  
 9 when so fixed shall not be varied from until changed by said judges. The  
 10 plaintiff or other party causing the publication of any notice shall be permitted  
 11 to specify the newspaper in which the publication is to be made. No clerk or  
 12 attorney shall in any case receive, nor shall any publisher pay, directly or in-  
 13 directly, any rebate or commission upon the fees for any such notice. Any  
 14 such clerk, attorney or publisher who shall receive or pay any such rebate or  
 15 commission shall be deemed guilty of a misdemeanor.

Sec. 96. WHEN DEFENDENT SERVED WITH SUMMONS OR WRIT MUST ENTER AP-

2 PPEARANCE—APPEARANCE TO BE IN WRITING, ETC.] The defendant in any action,  
 3 other than an action of forcible detainer or an action for the recovery of money  
 4 or personal property only, in which the amount of money or the value of the  
 5 personal property sought to be recovered does not exceed one hundred dollars  
 6 (\$100) in case he shall have been served with the summons or writ five days  
 7 or more prior to the day specified therein for his appearance, shall enter his ap-  
 8 pearance on or before the Thursday succeeding the day specified in the sum-  
 9 mons or writ therefor, but in case the summons or writ shall have been served  
 10 less than five days prior to the day therein specified for the appearance of the  
 11 defendant, the defendant shall not be required to enter his appearance until  
 12 on or before the first Monday succeeding such day specified for his appearance:  
 13 *Provided, however,* that when any defendant so served with the summons or

14 writ does not reside in the city of Chicago the time for entering his appear-  
 15 ance shall be extended one week from the Thursday succeeding the day so  
 16 specified in the summons or writ, or from the first Monday succeeding such  
 17 day specified in the summons or writ, as the case may be, and that when the  
 18 plaintiff files with his statement of claim an affidavit of claim, as hereinafter  
 19 provided for, or interrogatories to be answered by the defendant, or a state-  
 20 ment in writing, verified by affidavit, of facts which he expects to prove upon the  
 21 trial, the time within which the defendant would otherwise be required to enter  
 22 his appearance shall be extended five days. Every such appearance shall be in  
 23 writing and shall be signed by the party or his attorney and filed with the clerk  
 24 and a copy thereof shall be forthwith delivered by the defendant to the plain-  
 25 tiff or his attorney. When any defendant files an appearance in writing the  
 26 same shall specify the post office address and place of business of the defend-  
 27 ant, if the action is not brought by attorney, or the place of business of the  
 28 plaintiff's attorney, if the defendant appear by attorney, and in default of such  
 29 specification the clerk shall refuse to file the same. Whenever, after the entry of  
 30 such appearance and before the final determination of the action, the post office  
 31 address or place of business of the defendant or the place of business of his  
 32 attorney, as the case may be, shall be changed, notice in writing thereof shall  
 33 be given by the defendant to the plaintiff or his attorney: *Provided, however,*  
 34 that when there are more than three defendants joining in one appearance, it  
 35 shall be unnecessary to specify therein the post office addresses and places of  
 36 business of more than three defendants.

Sec. 97. WHEN DEFENDANT SERVED WITH SUMMONS IN FORCIBLE DETAINER

2 MUST APPEAR.] The defendant in any action of forcible detainer, in case he  
 3 shall have been served with the summons three days or more prior to the day  
 4 specified therein for his appearance, shall enter his appearance on the day so  
 5 specified, but in case the summons shall have been served less than three days

6 prior to the day therein specified for the appearance of the defendant, the de-  
 7 fendant shall not be required to enter his appearance until on or before the  
 8 first Monday succeeding such day specified for his appearance.

Sec. 98. WHEN DEFENDANT NOTIFIED BY PUBLICATION MUST ENTER APPEAR-  
 2 ANCE.] Whenever any defendant in any action shall have been notified by publi-  
 3 cation of notice of the pendency of the action in the manner hereinbefore pro-  
 4 vided, he shall file his appearance in writing, in the form prescribed in the next  
 5 but one preceding section on or before the day in which he is required by the  
 6 notice to appear and shall cause a copy of such appearance to be delivered to  
 7 the plaintiff or his attorney as provided by said section.

Sec. 99. WHEN DEFENDANT SERVED WITH SUMMONS IN ACTION INVOLVING NOT  
 2 EXCEEDING \$100 MUST APPEAR.] The defendant in any action for the recovery of  
 3 money or personal property only in which the amount of money or the value of  
 4 the personal property sought to be recovered does not exceed one hundred dol-  
 5 lars (\$100), in case he shall have been served with the summons or writ five  
 6 days or more prior to the day specified therein for his appearance, shall enter  
 7 his appearance at or before the time fixed in such summons or writ therefor.  
 8 Such appearance shall be in substantially the same form as the appearance  
 9 hereinbefore provided for other cases. When the defendant appears in per-  
 10 son and without any attorney the clerk shall prepare an appearance in writ-  
 11 ing and the same shall be signed by the defendant and filed by the clerk.

Sec. 100. APPEARANCE TO BE GENERAL—RIGHT TO MOVE IN ABATEMENT NOT  
 2 PREJUDICED.] Every appearance shall be general, but it shall in no manner pre-  
 3 judice the right of the defendant to move to abate the action in the manner  
 4 hereinafter provided.

Sec. 101. MOTION AND AFFIDAVIT IN ABATEMENT—SPECIFICATION OF DEFENSES.]  
 2 The defendant in any action at law, other than an action of contempt, a quasi



3 criminal action commenced by warrant, or a criminal action, shall, at the time  
 4 he enters his appearance, file with the clerk either a motion for an abatement  
 5 of the action and an affidavit in support thereof, accompanied by a specification  
 6 in an abbreviated form of his defense or defenses to the action, or a specifica-  
 7 tion, in an abbreviated form, of his defense or defenses to the action without  
 8 such motion and affidavit, and shall, at the same time, deliver or cause to be de-  
 9 livered a copy of such motion in abatement, affidavit and specification of his de-  
 10 fense or defenses, or a copy of his specification of defense or defenses without  
 11 such motion and affidavit, as the case may be, to the plaintiff or to the plaintiff's  
 12 attorney: *Provided, however,* that no motion in abatement or specification of  
 13 defenses need be filed by the defendant in any action at law for the recovery  
 14 of money and in which the amount claimed by the plaintiff does not exceed one  
 15 hundred dollars (\$100). Such motion in abatement, affidavit and specification  
 16 of defense or defenses, or specification of defense or defenses without such  
 17 motion and affidavit, as the case may be, shall be written upon the same sheet  
 18 of paper with the appearance, when practicable, and, when that is impracticable,  
 19 they shall be fastened together and filed as one paper.

Sec. 102. MOTION IN ABATEMENT TO BE ACCOMPANIED BY AFFIDAVIT—WHEN ACTION  
 2 NOT TO ABATE—FORM.] Every motion for an abatement of the action shall be in  
 3 writing and shall be accompanied by an affidavit setting forth the facts relied  
 4 upon by the defendant in support of his motion, which facts shall be such as have  
 5 been heretofore sufficient to sustain a plea in abatement: *Provided, however,*  
 6 that no cause of action shall be extinguished, or action at law or in equity  
 7 abate, by reason of the death, marriage or insanity of any party thereto, but  
 8 such action may, notwithstanding such death, marriage or insanity, be com-  
 9 menced, or, if already commenced, may proceed, in the name of or against the  
 10 executor or administrator of the deceased person, or, in the name of or against  
 11 the married woman, or, in the name of or against the conservator of the insane



12 person, if the same pertains to personal estate, or, in the name of or against  
 13 the executor, heir or devisee of such deceased person, or in the name of or  
 14 against such married woman, or the conservator of such insane person, if the  
 15 same concerns real estate. Nor shall any cause of action be extinguished or  
 16 any action at law or in equity against any public officer, receiver or trustee  
 17 abate by reason of his death or going out of office, but notwithstanding such  
 18 death or going out of office, such action may be commenced, or, if already com-  
 19 menced, may proceed in the name of or against his successor in such office,  
 20 receivership or trust. The following form of appearance, motion for abatement  
 21 and affidavit in support thereof, when accompanied by a specification of the  
 22 defendant's defense or defenses, shall be deemed to sufficiently comply with the  
 23 provisions of this Act and shall be taken as furnishing suggestions from which  
 24 other similar papers may be properly framed:

25 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

26 John Doe  
       v.  
 27 Richard Roe. } Contract No. 510.

28 APPEARANCE AND MOTION IN ABATEMENT.

29 The appearance of the defendant is hereby entered and the defendant  
 30 moves that the action abate.

31  
 32 WILLIAM SMITH,  
       *Defendant's Attorney,*  
 33 19 Monroe St., Chicago, Illinois.

34 AFFIDAVIT IN ABATEMENT.

35 Richard Roe on his oath says that he is the defendant in the above entitled  
 36 action; that at the time of the commencement of said action and the service  
 37 of summons upon him he was not a resident of the said city of Chicago, and  
 38 that he was not found nor served with said summons in the said city of Chicago,  
 39 but was found and served with said summons in the county of Will in said State  
 40 of Illinois.

41 RICHARD ROE.

Subscribed and sworn to before me this 24th day of February, 1908.

JOHN SMITH, *Clerk*.

(Here insert specification of defense or defenses.)

Sec. 103. HOW MOTION IN ABATEMENT DETERMINED.] Every motion for an abatement of the action shall be determined by the court in a summary manner either upon the affidavit accompanying the same, if none of the material facts therein contained is contradicted by the plaintiff by counter-affidavit, or, if any such matters are contradicted by such counter-affidavit, or if the plaintiff shall file an affidavit setting forth that he has no knowledge respecting the matters set forth in the defendant's affidavit, such motion shall be determined by evidence introduced in open court as upon the trial of an issue of fact: *Provided, however*, that if either party shall have filed a demand in writing of a trial by jury in such action the facts put in issue upon such motion shall be tried by jury.

Sec. 104. JUDGMENT UPON DETERMINATION OF MOTION FOR ABATEMENT.] If the issue upon a motion for an abatement of the action be found by the court or the jury in favor of the defendant, the court shall enter judgment that the action abate, unless the plaintiff, within such time as may be allowed therefor by the court, shall, by amendment or otherwise, remove the ground for such abatement. If such issue be found in favor of the plaintiff the action shall be tried upon its merits.

Sec. 105. DEFECTS REMOVABLE BY AMENDMENT.] No action shall be defeated by a motion in abatement, if the defect found be capable of amendment and is amended on terms prescribed by the court, and in case of a misnomer of either party the correct name of such party shall be substituted on the record for such misnomer and the action shall proceed in the name of or against the party so substituted without further service of process.

Sec. 106. SPECIFICATION OF DEFENSES TO BE MERE MEMORANDUM.] The spec-

ification of the defendant's defense or defenses shall not be a complete statement as to each defense of all the elements which in law constitute such defense, but shall be a mere memorandum, specifying the nature of the defense, and giving such information as to place, time and other particulars, as to enable the plaintiff to ascertain the extent to which the claim of the plaintiff will be controverted and the nature of the defense or defenses which will be made thereto by the defendant. It shall be written upon the same sheet of paper with the appearance, when practicable, and when that is impracticable, such appearance and specification of defenses shall be fastened together and filed as one paper.

Sec. 107. CLASSIFICATION OF ACTIONS FOR PURPOSES OF SPECIFICATION OF DE-

FENSES.] For convenience in the specification of defenses, actions at law for the recovery of money only shall be divided into the following classes:

*First*—CONTRACTS NOT IN WRITING.] Actions on contracts, express or implied, other than contracts in writing.

*Second*—CONTRACTS IN WRITING.] Actions on contracts in writing other than penal bonds, judgments and recognizances.

*Third*—PENAL BONDS.] Actions on penal bonds other than recognizances.

*Fourth*—JUDGMENTS.] Actions on judgments and actions to revive judgments.

*Fifth*—TORTS TO PERSON OR PERSONAL PROPERTY.] Actions for torts to the person or to personal property, other than actions of replevin and actions for the trial of the right of property.

*Sixth*—TORTS TO REAL ESTATE.] Actions for torts to real estate.

*Seventh*—QUASI CRIMINAL.] Actions of a quasi criminal nature.

*Eighth*—RECOGNIZANCE.] Actions on recognizances.

Sec. 108. DEFENSES TO ACTIONS ON CONTRACTS NOT IN WRITING.] The de-

2 fenses to actions on contracts, express or implied, not in writing shall be known  
3 and stated in abbreviated forms in specifications of defenses as (a) general  
4 issue, (b) satisfaction, (c) statute of frauds, (d) statute of limitations, (e)  
5 usury, (f) discharge in bankruptcy, (g) set-off, (h) tender and (i) breach of  
6 warranty, and with respect to said several defenses the following rules shall  
7 prevail:

8 *First*—GENERAL ISSUE.] The defense of general issue, without further  
9 specification of particulars, shall include all matters of defense not included  
10 within those hereinafter in this section specified.

11 *Second*—SATISFACTION.] The defense of satisfaction shall include the de-  
12 fenses heretofore commonly known and described as pleas of payment, release  
13 and accord and satisfaction. The specification thereof in the abbreviated form  
14 above provided for shall be followed by a statement of the approximate date  
15 of such satisfaction and of the manner or means by which the same was ac-  
16 complished.

17 *Third*—STATUTE OF FRAUDS.] The defense of statute of frauds, without fur-  
18 ther specification of particulars, shall include the defense heretofore commonly  
19 known and described as the plea of the statute of frauds.

20 *Fourth*—STATUTE OF LIMITATIONS.] The defense of statute of limitations,  
21 without further specification of particulars than the number of years fixed by  
22 the statute for barring the action, shall include the defenses heretofore com-  
23 monly known and described as pleas of statutes of limitation.

24 *Fifth*—USURY.] The defense of usury shall include the defense heretofore  
25 commonly known and described as the plea of usury. The specification there-  
26 of in the abbreviated form above provided for shall be followed by a state-  
27 ment of the rate of interest unlawfully contracted for and the date, approxi-  
28 mately, when contracted for.



29 *Sixth*—DISCHARGE IN BANKRUPTCY.] The defense of discharge in bankruptcy  
 30 shall include the defense heretofore commonly known and described as the  
 31 plea of discharge in bankruptcy. The specification thereof in the abbreviated  
 32 form above provided for shall be followed by a statement giving the date on  
 33 which and the court by which the discharge was entered.

34 *Seventh*—SET-OFF.] The defense of set-off shall include the defense here-  
 35 tofore commonly known as the plea of set-off. The specification thereof in  
 36 the abbreviated form above provided for shall be followed by a statement of  
 37 the defendant's claim which he proposes to set off, which statement shall con-  
 38 tain the same particulars required in a statement of a similar claim by the  
 39 plaintiff.

40 *Eighth*—TENDER.] The defense of tender shall include the defense here-  
 41 tofore commonly known and described as the plea of tender. The specification  
 42 thereof in the abbreviated form above provided for shall be followed by a  
 43 statement of the approximate date and amount of the tender.

44 *Ninth*—BREACH OF WARRANTY.] The defense of breach of warranty shall in-  
 45 clude the defense heretofore commonly known and described as the plea of  
 46 breach of warranty. The specification thereof in the abbreviated form above  
 47 provided for shall be followed by a statement of the approximate date of  
 48 the warranty and of the terms thereof.

Sec. 109. DEFENSES TO CERTAIN ACTIONS ON CONTRACTS IN WRITING.] The  
 2 defenses to actions on contracts in writing other than penal bonds, judgments  
 3 or recognizances, shall be known and stated in abbreviated forms in specifica-  
 4 tions of defenses as (a) general issue, (b) *non est factum*, (c) satisfaction,  
 5 (d) statute of limitations, (e) usury, (f) discharge in bankruptcy, (g) set off,  
 6 (h) want of consideration, (i) failure of consideration, (j) partial failure of  
 7 consideration, (k) further time given principal, (l) breach of warranty, (m)

8 fraud and circumvention and (*n*) tender. With respect to said several defenses  
9 the following rules shall prevail:

10 *First*—GENERAL ISSUE.] The defense of general issue, without further spec-  
11 ification of particulars, shall include all matters of defense not included with  
12 in those hereinafter in this section specified.

13 *Second*—SATISFACTION, ETC.] The defenses of satisfaction, statute of lim-  
14 itations, usury, discharge in bankruptcy, set-off, breach of warranty and tender  
15 shall be governed by the same rules prescribed for those defenses respect-  
16 ively in the preceding section.

17 *Third*—NON EST FACTUM.] The defense of *non est factum*, without further  
18 specification of particulars, shall include the defense heretofore commonly  
19 known and described as the plea of *non est factum*.

20 *Fourth*—WANT OF CONSIDERATION.] The defense of want of consideration,  
21 without further specification of particulars, shall include the defense hereto-  
22 fore commonly known and described as the plea of want of consideration.

23 *Fifth*—FAILURE OF CONSIDERATION.] The defense of failure of consideration  
24 shall include the defense heretofore commonly known and described as the  
25 plea of failure of consideration. The specification thereof in the abbreviated  
26 form above provided for shall be followed by a statement of the consideration  
27 which failed.

28 *Sixth*—PARTIAL FAILURE OF CONSIDERATION.] The defense of partial failure  
29 of consideration shall include the defense heretofore commonly known and de-  
30 scribed as the plea of partial failure of consideration. The specification  
31 thereof in the abbreviated form above provided for shall be followed by a state-  
32 ment of the consideration and of the portion thereof which failed.

33 *Seventh*—FURTHER TIME GIVEN PRINCIPAL.] The defense of further time  
34 given principal, without further specification of particulars shall include the  
35 defense heretofore commonly known and described as the plea of a surety of  
36 further time given his principal.

37 *Eighth*—FRAUD AND CIRCUMVENTION.] The defense of fraud and circum-  
 38 vention, without further specification of particulars, shall include the defense  
 39 heretofore commonly known and described as the plea of fraud and circumven-  
 40 tion.

Sec. 110. DEFENSES TO ACTIONS ON PENAL BONDS OTHER THAN RECOGNIZANCES.] The defenses to actions on penal bonds other than recognizances shall  
 2 be known and stated in abbreviated forms in specifications of defenses as (a)  
 3 *non est factum*, (b) bond delivered in escrow. (c) tender, (d) *nul tiel* record,  
 4 (e) *non damnificatus*, (f) performance, (g) no award, (h) merits not deter-  
 5 mined and property in defendant, (i) satisfaction and (j) statute of limita-  
 6 tions, and with respect to said several defenses the following rules shall  
 7 prevail:  
 8

9 *First*—NON EST FACTUM, ETC.] The defense of *non est factum*, statute of  
 10 limitations, tender and satisfaction shall be governed by the same rules pre-  
 11 scribed for those defenses respectively in the preceding section.

12 *Second*—BOND DELIVERED IN ESCROW.] The defense of bond delivered in  
 13 escrow, without further specification of particulars, shall include the defense  
 14 heretofore commonly known as the plea of bond delivered in escrow.

15 *Third*—NUL TIEL RECORD.] The defense of *nul tiel* record, without further  
 16 specification of particulars shall include the defense heretofore commonly  
 17 known and described as the plea of *nul tiel* record.

18 *Fourth*—NON DAMNIFICATUS.] The defense of *non damnificatus*, without  
 19 further specification of particulars, shall include the defense heretofore com-  
 20 monly known and described as the plea of *non damnificatus*.

21 *Fifth*—PERFORMANCE.] The defense of performance, without further speci-  
 22 fication of particulars, shall include the defense heretofore commonly known  
 23 and described as the plea of performance.

24       *Sixth*—NO AWARD.] The defense of no award, without further specification  
 25 of particulars, shall include the defense heretofore commonly and described as  
 26 the plea of no award in an action on an arbitration bond.

27       *Seventh*—MERITS NOT DETERMINED, ETC.] The defense of merits not deter-  
 28 mined and property in defendant, without further specification of particulars,  
 29 shall include the defense to an action upon a replevin bond heretofore com-  
 30 monly known and described as the plea of merits not determined and property  
 31 in defendant.

      Sec. 111. DEFENSES TO ACTIONS ON JUDGMENTS.] The defenses to actions  
 2 on judgments and actions to revive judgments shall be known as (a) *nul tiel*  
 3 record, (b) satisfaction, (c) set-off and (d) statute of limitations, and with  
 4 respect to said several defenses the following rules shall prevail:

5       *First*—NUL TIEL RECORD.] The defense of *nul tiel* record, without further  
 6 specification of particulars, shall include the defense heretofore commonly  
 7 known and described as the plea of *nul tiel* record.

8       *Second*—SATISFACTION.] The defense of satisfaction shall include any de-  
 9 fense, other than set-off or the statute of limitations, consisting of facts occur-  
 10 ring subsequent to the rendition of the judgment by reason of which the same has  
 11 become satisfied, in whole or in part, or discharged. The specifications of this  
 12 defense in the abbreviated form above provided for shall be followed by a state-  
 13 ment of the approximate date of any payment or discharge, and the manner  
 14 in which the payment or discharge was accomplished.

15       *Third*—SET-OFF.] The defense of set-off shall include the defense hereto-  
 16 fore commonly known as the plea of set-off and shall be followed by a state-  
 17 ment of such set-off, substantially in the form prescribed for a statement of a  
 18 similar claim sued on, and under such defense the defendant may establish any  
 19 cause of action arising out of any contract which he could establish against  
 20 the plaintiff by an independent action.



*Fourth*—STATUTE OF LIMITATIONS.] The defense of statute of limitations, without further specification of particulars than the number of years fixed by the statute for barring the action, shall include the defense heretofore commonly known and described as the plea of the statute of limitations.

Sec. 112. DEFENSES TO ACTIONS FOR TORTS TO PERSON OR PROPERTY. The defenses to actions for torts to the person or to personal property, other than actions of replevin and actions for the trial of right of property, shall be known and stated in abbreviated form and specifications of defenses as (a) not guilty, (b) justification, (c) statute of limitations and (d) satisfaction, and with respect to said several defenses the following rules shall prevail:

*First*—NOT GUILTY.] The defense of not guilty, without further specification of particulars, shall include all matters of defense not included within those hereinafter in this section specified.

*Second*—STATUTE OF LIMITATIONS AND SATISFACTION.] The defense of statute of limitations and satisfaction shall be governed by the same rules prescribed for those defenses respectively in the preceding section.

*Third*—JUSTIFICATION.] The defense of justification shall include the defense heretofore commonly known and described as the plea of justification. The specification thereof in the abbreviated form above provided for shall be followed by a statement in general terms of the matter relied upon in justification.

Sec. 113. DEFENSES TO ACTIONS FOR TORTS TO REAL ESTATE.] The defenses to actions for torts to real estate, not including actions of forcible detainer or actions of ejectment, shall be known and stated in the abbreviated forms in specifications of defenses as (a) not guilty, (b) *liberum tenementum*, (c) license and (d) statute of limitations, and with respect to said several defenses the following rules shall prevail:

7        *First*—NOT GUILTY.] The defense of not guilty, without further specifica-  
 8        tion of particulars, shall include all matters of defense not included within those  
 9        hereinafter in this section specified.

10       *Second*—LIBERUM TENEMENTUM.] The defense of *liberum tenementum*,  
 11       without further specification of particulars, shall include the defense hereto-  
 12       fore commonly known and described as the plea of *liberum tenementum*.

13       *Third*—LICENSE.] The defense of license shall, without further specification  
 14       of particulars, include the defense heretofore commonly known and described  
 15       as the plea of license.

16       *Fourth*—STATUTE OF LIMITATIONS.] The defense of statute of limitations,  
 17       without further specification of particulars than the number of years fixed by  
 18       the statute for barring the action, shall include the defense heretofore com-  
 19       monly known and described as the plea of the statute of limitations.

      Sec. 114. DEFENSES TO ACTIONS ON RECOGNIZANCES.] The defenses to actions  
 2       on recognizances shall be known and stated in abbreviated forms in specifica-  
 3       tions of defenses as (a) *nul tiel* record, (b) surrender before forfeiture, (c) per-  
 4       formance impossible, and (d) satisfaction, and with respect to said several de-  
 5       fenses the following rules shall prevail:

6       *First*—NUL TIEL RECORD.] The defense of *nul tiel* record, without further  
 7       specification of particulars, shall include the defense heretofore known as the  
 8       plea of *nul tiel* record.

9       *Second*—SURRENDER BEFORE FORFEITURE.] The defense of surrender before  
 10       forfeiture, shall include the defense that the principal in the recognizances sur-  
 11       rendered or was surrendered to the proper officer before forfeiture. The speci-  
 12       cation thereof in the abbreviated forms above provided for shall be followed  
 13       by a statement of the approximate date and the place of surrender and the  
 14       officer to whom made.

*Third—PERFORMANCE IMPOSSIBLE.]* The defense of performance impossible shall include the defense that the appearance of the principal was rendered impossible by the fact of the law, the act of God, or of the cognizee. The specification thereof in the abbreviated form above provided for shall be followed by a statement of the particular act relied upon as having rendered the performance impossible.

*Fourth—SATISFACTION.]* The defense of satisfaction shall be governed by the same rules prescribed for that defense in other actions on contracts.

Sec. 115. SPECIFICATION OF DEFENSES TO SEVERAL CLAIMS.] When the plaintiff, in one action, files several statements of claims for separate causes of action, it shall be sufficient for the defendant to combine in one specification his defense to all of said claims.

Sec. 116. CAUSE AT ISSUE—EVIDENCE.] Upon the filing by the defendant of his specification of his defense or defenses to the action, the action shall be deemed at issue and the plaintiff shall be at liberty to establish upon the trial any facts which it would have been competent for him to establish under any form of replication or other pleading heretofore allowable, and the defendant shall likewise be at liberty to establish upon the trial any facts which may be necessary to support his defense or defenses thus specified.

Sec. 117. FORM OF APPEARANCE WITH SPECIFICATION OF DEFENSES, ETC.] The following form of appearance and specification of defenses and other papers filed therewith shall be deemed to sufficiently comply with the provisions of this Act and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                    |                     |
|--------------------|---------------------|
| John Doe           | } Contract No. 217. |
| v.                 |                     |
| Richard Roe et al. |                     |

9

## APPEARANCE.

10 The appearance of the defendants is hereby entered.

11 Defendants demand a trial by jury.

12

WILLIAM SMITH,

13

*Defendant's Attorney,*

14

19 Monroe St., Chicago, Illinois.

15

## SPECIFICATION OF DEFENSES.

16 Defendants will rely upon the following defenses:

17 1. General issue.

18 2. Want of consideration.

19 3. Failure of consideration, the consideration being the conveyance and  
20 warranty by plaintiff to defendants of lot 6, in block 19, in the village of Oak  
21 Park, Cook county, Illinois, for the sum of \$1,000 on January 2, 1907, which  
22 conveyance was worthless because of total want of title in plaintiff.

23

WILLIAM SMITH,

24

*Defendant's Attorney.*

25

## AFFIDAVIT OF MERITS.

26 Richard Roe on his oath says that he is one of the defendants in the  
27 above entitled action; that the consideration of the promissory note men-  
28 tioned in the plaintiff's statement of claim was the conveyance and warranty  
29 by the plaintiff to the defendants on January 2, 1907, of lot 6, in block 19, in  
30 the village of Oak Park, Cook county, Illinois, and that the consideration of said  
31 promissory note has wholly failed because said conveyance was and is worth-  
32 less on account of a total want of title in the plaintiff to said property.

33

RICHARD ROE,

34 Subscribed and sworn to before me this 24th day of February, 1908.

35

JOHN SMITH, *Clerk.*

Sec. 118. WHEN CREDITOR MAY HAVE ATTACHMENT.] A creditor may have

2 an attachment in the municipal court against the property of his debtor, or  
3 that of any one or more of several debtors, when the indebtedness exceeds  
4 twenty-five dollars (\$25), in any one of the following cases:



5      *First*—NON-RESIDENT DEBTOR.] Where the debtor is not a resident of this  
6 State.

7      *Second*—DEBTOR CONCEALING HIMSELF, ETC.] Where the debtor conceals  
8 himself or stands in defiance of an officer so that process can not be served  
9 upon him.

10     *Third*—DEBTOR DEPARTED FROM STATE, ETC.] Where the debtor has departed  
11 from this State with the intention of having his effects removed from this  
12 State.

13     *Fourth*—DEBTOR ABOUT TO DEPART FROM STATE, ETC.] Where the debtor is  
14 about to depart from this State with the intention of having his effects re-  
15 moved from this State.

16     *Fifth*—DEBTOR ABOUT TO REMOVE PROPERTY, ETC.] Where the debtor is about  
17 to remove his property from this State to the injury of such creditor.

18     *Sixth*—FRAUDULENT CONVEYANCE, ETC.] Where the debtor has, within two  
19 years preceding the filing of the affidavit required, fraudulently conveyed or  
20 assigned his effects, or a part thereof, so as to hinder or delay his creditors.

21     *Seventh*—INTENTION OF DEBTOR TO FRAUDULENTLY CONVEY, ETC.] Where the  
22 debtor is about fraudulently to conceal, assign or otherwise dispose of his prop-  
23 erty or effects, so as to hinder or delay his creditors.

24     *Eighth*—DEBT FRAUDULENTLY CONTRACTED.] Where the debt sued for was  
25 fraudulently contracted on the part of the debtor: *Provided*, that the statements  
26 of the debtor, his agent or attorney, which constitute the fraud shall have been  
27 reduced to writing and his signature attached thereto by himself, agent or  
28 attorney.

Sec. 119. ACTION OF ATTACHMENT—HOW COMMENCED—PRAECIPE—AFFIDAVIT—  
2 BOND—GARNISHEES—FORM OF BOND.] Every action of attachment shall be com-  
3 menced by the filing by the plaintiff with the clerk of the municipal court of a prae-  
4 cipe for a writ of attachment and an affidavit of the plaintiff, his agent or attor-

5 ney, setting forth the nature and amount of the indebtedness of the defendant to  
 6 the plaintiff, after allowing all just credits and set-offs, and one or more of the  
 7 causes which in law entitle the plaintiff to an attachment, and also stating the  
 8 place of residence of the defendant, if known, and if not known, that upon dili-  
 9 gent inquiry the party making the affidavit has not been able to ascertain the  
 10 same, and also by filing with said clerk a bond with sufficient security to be  
 11 approved by the clerk payable to the People of the State of Illinois in double  
 12 the sum sworn to be due, conditioned that he will prosecute his action with  
 13 effect and satisfy all costs which may be awarded to the defendant or to any  
 14 other person interested in said proceedings and all damages and costs which  
 15 shall be recovered against the plaintiff for wrongfully suing out such attach-  
 16 ment, or which may be incurred by the sheriff or other officer in the execution  
 17 thereof. If garnishees are to be summoned their names shall be given in the  
 18 praecipe and the plaintiff shall also file with his praecipe the interrogatories to  
 19 be answered by such garnishees. It shall be sufficient in all cases of attach-  
 20 ment to designate defendants by their reputed names by surnames and joint  
 21 defendants by their special or partnership names or by the names, styles or  
 22 title by which they are usually known. Such bond may be in substantially the  
 23 following form:

24                               IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

25     John Doe     }  
        v.            }  
 26     Richard Roe. } Attachment. No. 25.

27                               ATTACHMENT BOND.

28     KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as prinicpal, and  
 29     William Doe, as surety, are held and firmly bound unto the People of the  
 30     State of Illinois in the penal sum of two thousand dollars (\$2,000), for the pay-  
 31     ment of which well and truly to be made we bind ourselves, our heirs, executors,  
 32     administrators and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this 10th day of February, 1908.

The condition of this obligation is such that whereas the above bounden John Doe hath, on the day of the date hereof, prayed an attachment out of the municipal court of Chicago, Illinois, at the suit of him, the said John Doe, against the estate of one Richard Roe for the sum of one thousand dollars (\$1,000) and the same is about to be sued out of said court returnable on Monday, the 17th day of February, 1908.

Now, if the said John Doe shall prosecute his action with effect and satisfy all costs which may be awarded to the defendant in said action, or to any other person interested in said proceeding, and all damages and costs which shall be recovered against the plaintiff for wrongfully suing out such attachment, or which may be incurred by the bailiff or other officer in the execution thereof, then the above obligation is to be void; otherwise the same is to be and remain in full force and effect.

JOHN DOE, (SEAL.)

WILLIAM DOE, (SEAL.)

Approved February 10, 1908.

JOHN SMITH, *Clerk*.

Sec. 120. ATTACHMENT IN AID—HOW OBTAINED.] The plaintiff in any action

at law on a contract, express or implied, or in any action for a tort, may, at any time after the commencement of such action and before the entry of final judgment therein, on filing in the office of the clerk of the municipal court a sufficient bond, conditioned as the bond provided for in the preceding section, and an affidavit showing his right to an attachment under this Act, sue out an attachment against the property of the defendant, which attachment shall be entitled in the action pending and be in aid thereof; and such proceedings shall be thereupon had as are required or permitted in cases of actions of attachment, as near as may be: *Provided*, that this section shall not apply to actions in which the defendant has been arrested and has given bail: *And, provided, further*, that in an action at law for a tort, before a writ of attachment shall be issued the plaintiff, his agent or attorney, shall apply to a judge of the municipal court and be examined under oath by such judge concerning the cause



15 of action; and thereupon such judge shall endorse upon the affidavit the amount  
 16 of damages for which the writ shall issue and no greater amount shall be  
 17 claimed. Every such attachment in aid shall require the defendant to appear  
 18 and answer the same on some Monday within not less than five (5) nor more  
 19 than thirty (30) days from the date thereof, and shall be served in the same  
 20 manner as is provided in this Act for the service of an original writ of attach-  
 21 ment: *Provided, however,* that when any defendant is not a resident of this  
 22 State, or has departed this State, or on due inquiry can not be found, or is con-  
 23 cealed within this State so that process can not be served upon him, he shall  
 24 be notified by publication of notice as is by this Act required: *And, provided,*  
 25 *further,* that if the amount claimed by the plaintiff does not exceed one hundred  
 26 dollars (\$100) the writ shall require the defendant to appear at ten o'clock, a.  
 27 m. sharp of the day therein fixed for his appearance.

Sec. 121. ACTION OF ATTACHMENT OF WATER CRAFT—HOW PROSECUTED—FORM  
 2 OF BOND.] An action of attachment of water craft may be brought to enforce  
 3 the liens specified in the Act entitled “An Act to revise the law in relation to  
 4 attachments of boats, vessels and rafts,” approved March 25, 1874, and in  
 5 force July 1, 1874. Every such action shall be commenced by the filing by the  
 6 plaintiff with the clerk of the municipal court of a praecipe for a writ of attach-  
 7 ment of water craft and an affidavit of himself, his agent or attorney, setting  
 8 forth the nature of his claim, the amount due the plaintiff after allowing all  
 9 payments and just set-offs, the name of the water craft, and the name and  
 10 residence of each owner known to the petitioner, and when any owner or his  
 11 place of residence is not known to the petitioner he shall so state and that he  
 12 has made inquiry and is unable to ascertain the same, and also by the filing by  
 13 the plaintiff with said clerk of a bond payable to the People of the State of Illi-  
 14 nois, in at least double the amount of the claim, with security to be approved  
 15 by the clerk, conditioned that the plaintiff shall prosecute his action with



effect, or, in case of failure therein, will pay all costs and damages which the owner or other persons interested in such water craft may sustain in consequence of the wrongful suing out of such attachment, which bond may be sued by any owner or person interested in the same manner as if it had been given to such person directly. Such bond may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                  |   |                                    |
|------------------|---|------------------------------------|
| John Doe         | } | Attachment of Water Craft. No. 27. |
| v.               |   |                                    |
| Owners of Steam- |   |                                    |
| ship Manitou.    |   |                                    |

ATTACHMENT OF WATER CRAFT BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and William Doe, as surety, are held and firmly bound unto the People of the State of Illinois in the penal sum of two thousand dollars (\$2,000), for the payment of which well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this 10th day of February, 1908.

The condition of this obligation is such that whereas the above bounden John Doe hath, on the day of the date hereof, prayed an attachment out of the municipal court of Chicago, Illinois, at the suit of him, the said John Doe, against the owners of a water craft known as the Steamship Manitou for the sum of one thousand dollars (\$1,000), and the same is about to be sued out of said court returnable on the 17th day of February, 1908:

Now, if the said John Doe shall prosecute his action with effect, or, in case of failure therein, will pay all costs and damages which the owner or other persons interested in such water craft may sustain in consequence of the wrongful suing out of such attachment, then the above obligation is to be void; otherwise the same to be and remain in full force and effect.

JOHN DOE, (SEAL.)

WILLIAM DOE, (SEAL.)

Approved February 10, 1908.

JOHN SMITH, *Clerk.*

Sec. 122. FORM OF PRAECIPE, AFFIDAVIT OF ATTACHMENT, ETC.] The following

form of praecipe, affidavit for attachment and interrogatories to garnishees shall be deemed sufficient and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                                 |   |                      |
|---------------------------------|---|----------------------|
| John Doe                        | } | Attachment. No. 214. |
| v.                              |   |                      |
| Richard Roe and<br>William Roe. |   |                      |

PRAECIPE.

To the clerk of said court:

Please issue a writ of attachment requiring the appearance of the defendants on Monday, the 30th day of March, 1908, and also a garnishee summons to Henry Jones for his appearance on the same date.

HENRY BROWN,  
*Attorney for Plaintiff,*  
927 Marquette Building, Chicago.

AFFIDAVIT FOR ATTACHMENT.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendants are indebted to him in the sum of one thousand and sixty-five dollars (\$1,065) on a promissory note for one thousand dollars (\$1,000), dated January 2, 1907, made by the defendants at Chicago, Illinois, and payable to the order of John Smith three months after date at the Commercial National Bank of Chicago, for value received, with interest at the rate of six per cent per annum, which said promissory note was duly endorsed to the plaintiff for value before maturity, after allowing to the defendants all their just credits, deductions and set-offs; that the defendants are not residents of this State and that their respective places of residence are unknown to this affiant and upon diligent inquiry he has not been able to ascertain the same or either of them.

JOHN DOE.

Subscribed and sworn to before me this first day of February, 1908.

JOHN SMITH, *Clerk.*

## NOTE.

33

34 If the amount claimed by the plaintiff does not exceed one hundred dol-  
35 lars (\$100) the praecipe shall specify that the writ shall require the appear-  
36 ance of the defendant at ten o'clock a. m. sharp, of the day therein fixed for  
37 his appearance.

38

## INTERROGATORIES TO GARNISHEE.

39 1. What is your name, age, occupation and place of residence?

40 2. Are you acquainted with Richard Roe and William Roe or either of  
41 them, and if so how long have you been acquainted with each of them respect-  
42 ively?

43 3. Are you indebted in any manner to said Richard Roe, and if so in  
44 what amount and on what account are you so indebted to him, and when will  
45 such indebtedness become due and payable?

46 4. Are you indebted in any manner to said William Roe, and if so in what  
47 amount and on what account are you so indebted to him, and when will such  
48 indebtedness become due and payable?

49 5. Have you in your possession, custody or charge any effects or estate  
50 of said Richard Roe, and if so, what effects or estate have you so in your pos-  
51 session, custody or charge and what is the interest of said Richard Roe there-  
52 in and what claim or claims have you or any other person than said Richard  
53 Roe to your knowledge upon the same or upon any portion thereof?

54 6. Have you in your possession, custody or charge any effects or estate  
55 of said William Roe, and if so, what effects or estate have you so in your pos-  
56 session, custody or charge, and what is the interest of said William Roe there-  
57 in and what claim or claims have you or any other person than said William  
58 Roe to your knowledge upon the same or upon any portion thereof?

Sec. 123. WRIT OF ATTACHMENT--WHEN ISSUED--FORM.] Upon the filing in

2 an action of attachment of the praecipe for a writ of attachment and affidavit  
3 of the plaintiff, his agent or attorney, and the bond hereinbefore specified, the  
4 clerk shall issue and deliver to the plaintiff a writ of attachment directed to  
5 the bailiff, or, in case the bailiff is interested or otherwise disqualified or pre-  
6 vented from acting, to the sheriff or coroner of Cook county, which writ may  
7 be in substantially the following form:

8 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

9 John Doe  
10 v. } Attachment. No. 27.  
11 Richard Roe. }

12 WRIT OF ATTACHMENT.

13 The People of the State of Illinois--GREETING to the Bailiff of the Municipal  
14 Court of Chicago:

15 We hereby command you that you attach so much of the property of Rich-  
16 ard Roe, to be found in your city, as shall be of value sufficient to satisfy a  
17 claim of one thousand dollars (\$1,000) and costs being prosecuted against him  
18 in our said municipal court by John Doe, and such estate so attached in your  
19 hands to secure and so to provide that the same may be liable to further pro-  
20 ceedings thereupon according to law; and that you summon the said Richard  
21 Roe to appear in person or by attorney before said municipal court of Chicago  
22 at No. 148 Michigan avenue, Chicago, Illinois, on Monday the 17th day of Feb-  
23 ruary, 1908, to answer to the said action of attachment brought against him  
24 by the said John Doe.

25 Witness John Smith, clerk of said municipal court, and the seal thereof,  
26 at Chicago, Illinois, this 10th day of February, 1908.

27 JOHN SMITH, *Clerk.*

28 NOTE.

29 If the amount claimed by the plaintiff does not exceed one hundred dol-  
30 lars (\$100), the praecipe shall specify that the writ shall require the appear-



ance of the defendant at ten o'clock, a. m. sharp of the day therein fixed for his appearance.

Sec. 124. ALIAS WRIT.] An alias writ of attachment may issue when it appears by the return of the officer that no property has been seized or levied upon, or the defendant has not been served, under the original writ.

Sec. 125. WHEN AN ATTACHMENT MAY ISSUE AGAINST PORTION OF DEFENDANTS.] In all cases of attachment where two or more persons are jointly indebted, either as partners or otherwise, and an affidavit shall be filed, as provided in this Act, so as to bring one or more of such joint debtors within its provisions and amenable to the process of attachment, then the writ of attachment shall issue against the property and effects of such as are so brought within the provisions of said section; and the officer shall be also directed in said writ to summon all joint debtors named in the affidavit filed in the case, whether the attachment is against them or not, to answer to said action as in other cases of joint defendants.

Sec. 126. GARNISHEE SUMMONS—FORM.] The clerk shall issue as many garnishee summonses as the plaintiff may require. Such summons may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                       |
|--------------|-----------------------|
| John Doe     | } Attachment. No. 27. |
| v.           |                       |
| Richard Roe. |                       |

#### GARNISHEE SUMMONS.

To the People of the State of Illinois—GREETING to Henry Jones:

You are hereby commanded to appear in person or by attorney before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 17th day of February, 1908, then and there to answer unto John

13 Doe, in his action of attachment therein pending against Richard Roe, as to the  
 14 rights, credits, choses in action, effects, estate, property or moneys in your  
 15 hands belonging to the said Richard Roe.

16                                      Witness John Smith, clerk of said municipal court, and  
 17                                      the seal thereof, at Chicago, Illinois, this 10th day  
 18                                      of February, 1908.

19    JOHN SMITH, *Clerk.*

20    NOTE.

21            If the amount claimed by the plaintiff does not exceed one hundred dol-  
 22 lars (\$100) the writ shall require the appearance of the defendant at 10 o'clock  
 23 a. m. sharp of the day therein fixed for his appearance.

          Sec. 127. ATTACHMENT OF WATER CRAFT—WHEN WRIT ISSUED—FORM.] Upon  
 2 the filing in an action of attachment of water craft of the praecipe for a writ  
 3 of attachment of water craft, and the affidavit of the plaintiff, his agent or  
 4 attorney, and the bond hereinbefore specified, the clerk shall issue and deliver  
 5 to the plaintiff a writ of attachment of water craft directed to the bailiff, or,  
 6 in case the bailiff is interested or otherwise disqualified or prevented from  
 7 acting, to the sheriff or coroner of Cook county, which writ may be in substan-  
 8 tially the following form:

9                                      IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                     |   |                     |
|---------------------|---|---------------------|
| 10 John Doe         | } | Attachment. No. 28. |
| 11        v.        |   |                     |
| 12 Owners of Steam- |   |                     |
| 13 ship Manitou.    |   |                     |

14                                      WRIT OF ATTACHMENT OF WATER CRAFT.

15 The People of the State of Illinois—GREETING to the Bailiff of the Municipal  
 16 Court of Chicago:

17        We hereby command you to attach the Steamship Manitou, her tackle, ap-  
 18 parel and furniture to satisfy a claim of one thousand dollars (\$1,000) and

costs, being prosecuted against the owners of said Steamship Manitou in our said municipal court by John Doe, and all such demands as shall be exhibited against said vessel according to law; and that you also summon (here insert the names of owners of such vessel) to be and appear in person or by attorney before said municipal court at No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 17th day of February, 1908, to answer to the said action of attachment brought against the owners of said Steamship Manitou by the said John Doe.

Witness John Smith, clerk of said municipal court, and  
the seal thereof, at Chicago, Illinois, this 10th day  
of February, 1908.

JOHN SMITH, *Clerk.*

#### NOTE.

If the amount claimed by the plaintiff does not exceed one hundred dollars (\$100) the writ shall require the appearance of the defendant at 10 o'clock a. m. sharp of the day therein fixed for his appearance.

Sec. 128. ATTACHMENT WRIT—HOW EXECUTED UPON PROPERTY—CERTIFICATE OF LEVY.] An attachment writ, in addition to being served upon the defendant in the manner hereinbefore provided, shall be executed upon the property of the defendant, or upon any property in and to which the defendant has or may claim any equitable interest or title of sufficient value to satisfy the plaintiff's claim with the costs of the action. When such writ is levied upon any real estate in any case it shall be the duty of the officer making the levy to file a certificate of such fact with the recorder of Cook county; and from and after the filing of the same such levy shall take effect as to creditors and bona fide purchasers, without notice and not before. Such certificate may be in substantially the following form:

12                 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                       |
|----|--------------|-----------------------|
| 13 | John Doe     | } Attachment. No. 28. |
| 14 | v.           |                       |
| 15 | Richard Roe. |                       |

## 16 .. .. . CERTIFICATE OF LEVY.

17 I, Henry Brown, bailiff of the municipal court of Chicago, Illinois, do here-  
18 by certify that by virtue of a certain writ of attachment to me directed from  
19 the municipal court of Chicago, Illinois, in favor of John Doe, plaintiff, and  
20 against Richard Roe, defendant, dated the 10th day of February, 1908, I did  
21 on this 11th day of February, 1908, levy on the right, title and interest of said  
22 defendant in and to the following real estate, to-wit:

23 (Here insert description of real estate.)

24 HENRY BROWN, *Bailiff*,  
25 BY WILLIAM WHITE, *Deputy*.

Sec. 129. PURSUIT OF DEFENDANT REMOVING PROPERTY.] If the defendant in  
2 a writ of attachment, or any person for him, shall be in the act of removing  
3 any personal property the officer may pursue and take the same in any county  
4 in this State and return the same to the city of Chicago.

Sec. 130. DEBTOR ABSCONDING, ETC.—SERVICE OF ATTACHMENT ON SUNDAY.]

2 If it shall appear, by the affidavit, that a debtor is actually absconding, or is  
3 concealed, or stands in defiance of the bailiff or other officer duly authorized  
4 to arrest him on civil process, as aforesaid, or has departed this State with  
5 the intention of having his effects and personal estate removed out of the State,  
6 or intends to depart with such intention, it shall be lawful for the clerk to  
7 issue, and for the bailiff or other officer to serve, an attachment against such  
8 debtor on a Sunday, or holiday, as on any other day.

Sec. 131. FORTHCOMING BOND—FORM.] The officer serving a writ of attachment shall take and retain the custody and possession of the property attached to answer and abide the judgment of the court, unless the person in whose



4 possession the same is found shall enter into bond and security to the bailiff,  
 5 to be approved by the clerk and filed by him, in double the value of the prop-  
 6 erty so attached, conditioned that the said estate and property shall be forth-  
 7 coming to answer the judgment of the court in said action. The bond pro-  
 8 vided for in this section may be in substantially the following form:

9 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

10 John Doe  
 11 v.  
 12 Richard Roe. } Attachment. No. 28.

13 FORTHCOMING BOND.

14 KNOW ALL MEN BY THESE PRESENTS, That we, RICHARD ROE, as principal,  
 15 and HENRY ROE, as surety, are held and firmly bound unto the People of the  
 16 State of Illinois in the penal sum of two thousand dollars (\$2,000), for the  
 17 payment of which well and truly to be made we bind ourselves, our heirs,  
 18 executors, administrators and assigns, jointly and severally, firmly by these  
 19 presents.

20 WITNESS our hands and seals this 12th day of February, 1908.

21 The condition of this obligation is such that whereas, on the 10th day of  
 22 February, 1908, a certain writ of attachment issued out of the municipal  
 23 court of Chicago, Illinois, upon the application of John Doe, plaintiff, against  
 24 the estate of the above bounden Richard Roe, defendant, directed to the bailiff  
 25 of the municipal court of Chicago, Illinois, to execute, by virtue of which said  
 26 writ the said bailiff, Henry Brown, has attached the following described prop-  
 27 erty, to-wit:

28 (Here describe the property attached.)

29 And, whereas, the said Richard Roe, in whose possession the said property  
 30 was found, is desirous of retaining the custody thereof according to the provi-  
 31 sions of the statute:

32 Now, if the said estate and property shall be forthcoming to answer the  
 33 judgment of the court in said action, then this obligation is to be void; other-  
 34 wise the same is to be and remain in full force and effect.

35 RICHARD ROE. (Seal.)

36 HENRY ROE. (Seal.)

37 Approved February 12, 1908.

38 JOHN SMITH, Clerk.

Sec. 132. BOND TO PAY JUDGMENT—FORM.] Any defendant in an attachment action desiring the return of property attached may, at any time at his option, instead of or in substitution for the bond required in the preceding section, give like bond with security, to be approved and filed by the clerk, in a sum sufficient to cover the claim sworn to in behalf of the plaintiff, with all interest, damages and costs of the action, payable to the People of the State of Illinois and conditioned that the defendant will pay the plaintiff the amount of the judgment and costs which may be rendered against him in that action on a final trial, within ninety days after such judgment shall be rendered. Such bond may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                       |
|----|--------------|-----------------------|
| 12 | John Doe     | } Attachment. No. 28. |
| 13 | v.           |                       |
| 14 | Richard Roe. |                       |

BOND TO PAY JUDGMENT.

KNOW ALL MEN BY THESE PRESENTS, That we, RICHARD ROE, as principal, and HENRY ROE, as surety, are held and firmly bound unto the People of the State of Illinois in the penal sum of two thousand dollars (\$2,000), for the payment of which well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

WITNESS our hands and seals this 12th day of February, 1908.

The condition of this obligation is such that whereas, on the 10th day of February, 1908, a certain writ of attachment issued out of the municipal court of Chicago, Illinois, on the application of John Doe, as plaintiff, against the estate of said Richard Roe, defendant, directed to the bailiff of said court to execute, by virtue of which said writ the said plaintiff, Henry Brown, has attached certain property as property of said Richard Roe.

And, whereas, the said Richard Roe, in whose possession the said property was found, is desirous of a return of the property so attached according to the provisions of the statute:

Now, if the said Richard Roe shall pay to the said John Doe the amount of the judgment and costs, if any, which may be rendered against him, the said Richard Roe, in the action in which said writ of attachment has issued, on a final trial, within ninety days after such judgment shall be rendered, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

RICHARD ROE. (Seal.)

HENRY ROE. (Seal.)

Approved February 12, 1908.

JOHN SMITH, *Clerk*.

Sec. 133. RECOGNIZANCE TO PAY JUDGMENT.] In lieu of giving the bond provided for in the preceding section, a recognizance may be taken in open court and entered of record with like condition, in which case the court shall approve the security and the recognizance made to the plaintiff, and upon a forfeiture of such recognizance judgment may be rendered and execution issued as in other cases of recognizances. When any such bond mentioned in the preceding section shall have been taken, or any recognizance provided for in this section shall have been entered into, the attachment shall be dissolved and the property taken restored and all previous proceedings either against the bailiff or against the garnishees set aside and the action shall proceed as if the defendant had been duly served with a summons.

Sec. 134. WHEN PLAINTIFF MAY SUE ON BOND.] If the bond taken by the clerk, as aforesaid, shall be forfeited, the plaintiff in the attachment may bring action thereon, and judgment shall be given for the plaintiff against the obligors in the bond for the value of the property, or, if the property is greater than the amount due upon the execution, then for the amount due and the costs of the action.

Sec. 135. SUSTENANCE OF LIVE STOCK—COMPENSATION.] When the bailiff or other officer shall serve an attachment on horses, cattle or live stock, and



3 the same shall not be immediately replevied or restored to the debtor, such  
 4 officer shall provide sufficient sustenance for the support of such live stock  
 5 until the same shall be sold or discharged from such attachment. He shall re-  
 6 ceive therefor a reasonable compensation, to be ascertained and determined by  
 7 the court and charged in the fee bill of such officer, and the same shall be  
 8 collectible as part of the costs.

Sec. 136. [DISPOSITION OF PERISHABLE PROPERTY.] When any goods and chat-  
 2 tels shall be levied on by virtue of any attachment and the bailiff or other offi-  
 3 cer in whose custody such goods and chattels are shall be of opinion that the  
 4 same are of a perishable nature and in danger of immediate waste or decay,  
 5 such bailiff or other officer shall summon three respectable freeholders of  
 6 Chicago, who shall examine the goods and chattels so levied on and if said free-  
 7 holders shall, on oath or affirmation, certify that in their opinion they are of  
 8 a perishable nature and in danger of immediate waste and decay, then such  
 9 goods and chattels shall be sold at public vendue by the bailiff or other officer,  
 10 he having first advertised such sale at three public places in the city of  
 11 Chicago at least ten days before the sale: *Provided*, such property may be  
 12 sold upon such notice less than ten days, as the examiners shall certify will  
 13 be for the best interest of the parties concerned. The money arising from  
 14 such sale shall be liable to the judgment obtained upon such attachment and  
 15 deposited in the hands of the clerk of the court to which the process shall be  
 16 returnable there to abide the event of such action.

Sec. 137. SHARES OF STOCK—HOW LEVIED ON—SUBSEQUENT ASSIGNMENT.]  
 2 The shares of stock or interest of a stockholder in any corporation may be  
 3 levied on under a writ of attachment, but in all cases where such shares of  
 4 stock or interest have been sold or pledged in good faith for a valuable con-  
 5 sideration and the certificate thereof has been delivered upon such sale or pledge  
 6 such shares of stock or interest shall not be sold on the execution issued in



7 such attachment against the vendor or pledgor excepting for the excess of the  
 8 value thereof over and above the sum for which the same may have been pledged  
 9 and the certificate thereof delivered. Such writ of attachment may be levied by  
 10 leaving an attested copy thereof with the clerk, treasurer, or cashier of the  
 11 company, if there is any such officer, otherwise with any officer or person  
 12 having the custody of the books and papers of the corporation; and the prop-  
 13 erty shall be considered as seized on attachment when the copy is left and  
 14 shall be sold under the execution issued in such attachment action in like man-  
 15 ner as goods and chattels. No assignment, transfer or pledge of any such  
 16 shares of stock made by the judgment debtor after an attested copy of the  
 17 writ of attachment is left with the clerk, treasurer, cashier or other officer of  
 18 the company as aforesaid, shall be of any validity as against such writ of  
 19 attachment.

Sec. 138. DEFENSES IN ATTACHMENT.] In actions of attachment and at-  
 2 tachment of water craft, in which the defendant is required to file a specifica-  
 3 tion of his defense or defenses, the defendant may specify, in its abbreviated  
 4 form, any defense which it would be permissible to specify were the action  
 5 brought on the plaintiff's claim without the suing out of an attachment and,  
 6 in addition thereto, if he desires to controvert the allegations of the plaintiff's  
 7 affidavit, with respect to the grounds of the attachment, he shall file his affida-  
 8 vit in denial thereof.

Sec. 139. FORM OF APPEARANCE AND SPECIFICATION OF DEFENSES AND AFFIDA-  
 2 VIT.] The following forms of entry of appearance, specification of defenses  
 3 and affidavit in denial of the grounds of attachment shall be deemed to suffi-  
 4 ciently comply with the provisions of this Act and shall be taken as furnishing  
 5 suggestions from which other similar papers may be properly framed:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

7 John Doe  
8 v.  
9 Richard Roe et al. } Attachment. No. 214.

10 APPEARANCE.

11 The appearance of the defendant is hereby entered.

12 WILLIAM SMITH,  
13 *Defendant's Attorney,*  
14 19 Monroe St., Chicago, Illinois.

15 (Here insert specification of defenses and affidavit of merits, and add fol-  
16 lowing):

17 AFFIDAVIT DENYING GROUND OF ATTACHMENT.

18 Richard Roe, on his oath, says that he is one of the defendants in the  
19 above entitled action; that neither of said defendants was at the time of the  
20 commencement of said action a non-resident of the State of Illinois, but that  
21 each of them at said time was a resident of said State, and that this defend-  
22 ant, Richard Roe, then resided in Joliet, Will county, Illinois, and that said  
23 defendant, William Roe, then resided in Mendota, LaSalle county, Illinois.

24 RICHARD ROE.

25 Subscribed and sworn to before me this 30th day of March, 1908.

26 JOHN SMITH, *Clerk.*

Sec. 140. PROCEDURE IN ACTIONS OF ATTACHMENT.] In actions of attach-  
2 ment, in addition to the rules hereinbefore prescribed, the following rules shall  
3 prevail:

4 *First*—INSUFFICIENCIES IN AFFIDAVIT, ETC.—HOW CORRECTED.] No writ of  
5 attachment shall be quashed, nor the property taken thereon restored, nor any  
6 garnishee discharged, nor any bond by him given, cancelled on account of any  
7 insufficiency of the original affidavit, writ of attachment or attachment bond,  
8 if the plaintiff or some credible person for him shall cause a legal and suffi-  
9 cient affidavit or attachment bond to be filed or the writ to be amended, as  
10 the case may be, in such time and manner as the court shall direct; and in that

11 event the action shall proceed as if such proceedings had originally been  
12 sufficient.

13 *Second*—OTHER MATTERS REGULATED BY RULES.] In all other matters, with  
14 respect to which no provision is made by this Act, the court shall proceed in  
15 accordance with such rules, not inconsistent with law, as may be adopted by  
16 the municipal court or by the supreme court, or, in the absence of such rules,  
17 in accordance, as near as may be, with the provisions of law in force at the  
18 time of the taking effect of this Act.

Sec. 141. PROCEDURE IN ACTIONS OF ATTACHMENT OF WATER CRAFT.] In  
2 actions of attachment of water craft the court, in matters not provided for  
3 by this Act, shall proceed in accordance with such rules as may be adopted  
4 by the municipal court or by the supreme court, or, in the absence of such  
5 rules, in accordance, as near as may be, with the provisions of the Act entitled  
6 "An Act to revise the law in relation to attachments of boats, vessels, and  
7 rafts," approved March 25, 1874, and in force July 1, 1874.

Sec. 142. WHEN LANDLORD MAY DISTRAIN FOR RENT—HOW ACTION COM-  
2 MENCED.] A landlord, by himself, his agent or attorney, may distrain for rent  
3 any personal property of his tenant that may be found in the city of Chicago.  
4 Every action of distress for rent shall be commenced by the filing by the  
5 plaintiff with the clerk of a praecipe for a summons together with a copy of  
6 the distress warrant and an inventory of the property levied upon.

Sec. 143. FORM OF PRAECIPE, ETC., IN ACTION OF DISTRESS FOR RENT.] The  
2 following form of praecipe in an action of distress for rent shall be deemed  
3 sufficient and shall be taken as furnishing suggestions from which other simi-  
4 lar praecipes may be properly framed:

## IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

6 John Doe  
 7 v.  
 8 Richard Roe. } Distress for Rent. No. 50.

## PRAECIPE.

10 To the clerk of said court:

11 Please issue a summons requiring the appearance of the defendant on  
 12 Monday, the 24th day of February, 1908.

13 HENRY BROWN,  
 14 *Attorney for Plaintiff,*  
 15 927 Marquette Building, Chicago.

16 (Here insert copy of distress warrant and inventory.)

## NOTE.

18 If the amount claimed by the plaintiff does not exceed one hundred dol-  
 19 lars (\$100) the praecipe shall specify that the summons shall require the ap-  
 20 pearance of the defendant at 10 o'clock a. m. sharp at the day therein fixed for  
 21 his appearance.

Sec. 144. DEFENSES IN DISTRESS FOR RENT.] In actions of distress for rent  
 2 the defendant may specify, in their abbreviated forms, any defenses which it  
 3 would be permissible to specify in an action on a contract not in writing.

Sec. 145. PROCEDURE IN ACTIONS OF DISTRESS FOR RENT.] In actions of dis-  
 2 tress for rent, in addition to the rules otherwise prescribed in this Act, the  
 3 following rules shall prevail:

4 *First*—TRIAL—SET-OFF—FORCE OF JUDGMENT, ETC.] After the commencement  
 5 of the action it shall proceed, as near as may be, in the same manner as an  
 6 action of attachment. The defendant may avail himself of any set-off or other  
 7 defense which would have been proper if the action had been for the rent in  
 8 any form of action and with like effect, and the form of his appearance and



9 specification of defenses shall be the same substantially as those of a defend-  
10 ant in an action on a contract for the payment of money. If the plaintiff  
11 succeeds in his action judgment shall be given in his favor for the amount  
12 which shall appear to be due him. When the defendant has been served with  
13 the summons and appears in the action the judgment shall have the same  
14 force and effect as in an action in which a summons has been served upon the  
15 defendant, and execution may be issued thereon not only against the property  
16 distrained but also against the other property of the defendant; but the prop-  
17 erty distrained, if the same has not been replevied or released from seizure,  
18 shall be first sold. When publication of notice shall have been made, as pro-  
19 vided in this Act, but the defendant is not served with process and does not  
20 appear, judgment by default may be entered and the plaintiff may recover  
21 the amount due him for rent at the time of issuing the distress warrant and a  
22 special execution shall issue against the property distrained, but no execution  
23 shall issue against any other property of the defendant. If the judgment is  
24 in favor of the defendant he shall recover costs and have judgment for the  
25 return of the property distrained unless the same has been replevied or re-  
26 leased from such distress. And if a set-off is interposed and it appears that  
27 a balance is due from the plaintiff to the defendant judgment shall be ren-  
28 dered for the defendant for the amount thereof.

29 *Second*—RELEASE OF PROPERTY.] When any distress warrant has been levied  
30 the person whose property is distrained may release the same by entering into  
31 bond in double the amount of rent claimed payable to the landlord with suffi-  
32 cient sureties, to be approved by the person making the levy, if the bond is  
33 tendered before the filing of a copy of the warrant, as provided in this Act. or,  
34 if after, by the court, conditioned to pay whatever judgment the landlord may  
35 recover in the action with costs of the action. If the bond is taken before the  
36 filing of the copy of the distress warrant such bond shall be filed therewith,

37 and if taken after the filing of a copy of the distress warrant, it shall be  
38 filed with the clerk.

39 *Third*—PERISHABLE PROPERTY.] If any property distrained is of a perish-  
40 able nature and in danger of immediate waste or decay, and the same is not  
41 replevied or bonded, the landlord, or his agent or attorney, may, upon giving  
42 notice to the defendant or his attorney, if either can be found in the city of  
43 Chicago, or, if neither can be so found, without any notice, apply to the court,  
44 describing the property and showing that the same is so in danger and, if the  
45 court is satisfied that the property is of a perishable nature and in danger of  
46 immediate waste and decay, and, if the defendant or his attorney is not served  
47 with notice, or does not appear, that he cannot be found in the city of Chi-  
48 cago, the court may enter an order directing the person having possession of  
49 the property to make a sale thereof upon such time and such notice, terms  
50 and conditions as the court shall think to the best interest of the parties con-  
51 cerned. Money arising from such sale shall be deposited with the clerk, there  
52 to abide the event of the action.

Sec. 146. WHEN REPLEVIN WILL LIE.] An action of replevin may be brought  
2 for the recovery of goods or chattels which have been wrongfully distrained or  
3 otherwise wrongfully taken or shall be wrongfully detained, excepting where  
4 such property has been taken for a tax, assessment or fine levied by virtue of  
5 any law of this State or has been seized under an execution or attachment or  
6 is held by virtue of a writ of replevin against the plaintiff in the action or by  
7 virtue of any other writ of replevin issued in an action then pending and un-  
8 determined in any court of record of this State.

Sec. 147. REPLEVIN—HOW COMMENCED—AFFIDAVIT—FORM OF BOND.] Every  
2 action of replevin shall be commenced by the filing by the plaintiff with the  
3 clerk of a praecipe for a writ of replevin and an affidavit showing that the

4 plaintiff in such action is the owner of the property to be described in the writ  
 5 or about to be replevied, or that he is then lawfully entitled to the possession  
 6 thereof, and that the property is wrongfully detained by the defendant and  
 7 that the same has not been taken for any tax, assessment or fine levied by vir-  
 8 tue of any law of this State against the property of such plaintiff or against  
 9 him individually nor seized under any execution against the goods and chattels  
 10 of such plaintiff, nor held by virtue of any writ of replevin against the plaintiff  
 11 in the action or by virtue of any other writ of replevin issued in an action then  
 12 pending and undetermined in any court of record of this State, and stating  
 13 the value of such property, and that it does not exceed the amount so stated, and  
 14 also by the filing with the clerk of a bond of the plaintiff, or some one else in  
 15 his behalf, with sufficient security to be approved by the clerk payable to the  
 16 People of the State of Illinois in double the value of the property about to  
 17 be replevied, conditioned that he will prosecute such action to effect and with-  
 18 out delay and make return of the property, if return of the property shall be  
 19 awarded, and further conditioned for the payment of all costs and damages  
 20 occasioned by the wrongful suing out of such writ of replevin, whether to the  
 21 defendant or to any other person, and all costs and damages which may be  
 22 incurred by the bailiff or other officer in the execution of the writ. Such bond  
 23 may be in substantially the following form:'

24 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

25 John Doe  
 26 v.  
 27 Richard Roe. } Replevin. No. 30.

28 REPLEVIN BOND.

29 KNOW ALL MEN BY THESE PRESENTS, That we, JOHN DOE, as principal and  
 30 WILLIAM DOE, as surety, are held and firmly bound unto the People of the  
 31 State of Illinois, in the penal sum of five hundred dollars (\$500), for the pay-  
 32 ment of which well and truly to be made we bind ourselves, our heirs, exec-  
 33 utors, administrators and assigns, jointly and severally, firmly by these pres-  
 34 ents.



35      Witness our hands and seals this 10th day of February, 1908.

36 The Condition of this obligation is such that whereas the above bounden  
37 John Doe hath on the day of the date hereof prayed a writ of replevin out  
38 of the municipal court of Chicago, Illinois, against one Richard Roe to recover  
39 the following described personal property, to-wit: (here describe personal  
40 property), and the same is about to be sued out of said court returnable on  
41 Monday, the 17th day of February, 1908.

Now, if the said John Doe shall prosecute his action with effect and without delay and make return of the said property, if return thereof shall be awarded, and shall pay all costs and damages occasioned by the wrongful suing out of such writ of replevin, whether to the said defendant Richard Roe or to any other person, and all costs and damages which may be incurred by the bailiff of said court or any other officer in the execution of said writ of replevin, then the above obligation is to be void; otherwise the same is to be and remain in full force and effect.

50 JOHN DOE. (Seal.)

51 . . . . . RICHARD ROE. (Seal.)

52 Approved February 10, 1908.

53 JOHN SMITH, *Clerk.*

Sec. 148. FORM OF PRAECIPE FOR WRIT OF REPLEVIN WITH AFFIDAVIT FOR RE-  
PLEVIN.] The following form of praecipe for a writ of replevin with an affi-  
davit for replevin shall be deemed to sufficiently comply with the provisions  
of this Act and shall be taken as furnishing suggestions from which other simi-  
lar papers may be properly framed:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

7 John Doe and William Doe,  
8 partners in business as  
9 Doe Brothers,  
10 v.  
11 Richard Roe. } Replevin. No. 175.

12 PRAECIPE.

13 To the clerk of said court:

14 Please issue a writ of replevin requiring the appearance of the defend-  
15 ants on Monday, the 24th day of February, A. D. 1908.

16 HENRY BROWN.

17 Attorney for Plaintiff.

18 927 Marquette Building, Chicago.



AFFIDAVIT FOR REPLEVIN.

John Doe on his oath says that he is one of the plaintiffs in the above entitled action and that the plaintiffs are lawfully entitled to the possession of the following described goods and chattels, to-wit: One bay horse about six years old, with white star in forehead, and one roan horse about five years old, which horses are of the value of two hundred and fifty dollars (\$250) and no more; that the said property is wrongfully detained by the above named defendant, Richard Roe, and that the same has not been taken for any tax, assessment or fine levied by virtue of any law of this State against the property of the plaintiffs or against the plaintiffs individually, nor seized under any execution or attachment against the goods and chattels of the plaintiffs, nor held by virtue of any other writ of replevin issued in an action now pending and undetermined in any court of record of this State.

JOHN DOE,

Subscribed and sworn to before me this 18th day of February, 1908.

JOHN SMITH, *Clerk*.

Sec. 149. WRIT OF REPLEVIN—WHEN ISSUED—FORM.] Upon the filing in any action of replevin of the praecipe for a writ of replevin, the affidavit and the bond hereinbefore specified, the clerk shall issue and deliver to the plaintiff a writ of replevin directed to the bailiff, or, in case he is interested or otherwise disqualified or prevented from acting, to the sheriff or coroner of Cook county, requiring said bailiff, sheriff or coroner to whom it is directed to cause the property, describing it as in the affidavit, to be replevied from the possession of the defendant and to be delivered to the plaintiff and to summon the defendant to answer the plaintiff in the action. Such writ of replevin may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS. .

|              |                     |
|--------------|---------------------|
| John Doe     | } Replevin. No. 40. |
| v.           |                     |
| Richard Roe. |                     |

WRIT OF REPLEVIN.

The People of the State of Illinois—GREETING to the bailiff of the municipal court of Chicago:

18 We hereby command you that you cause the following goods and chattels  
 19 to be replevied from the possession of Richard Roe and delivered to John Doe  
 20 without delay, to-wit:

21 (Here insert description of property to be replevied.)

22 We also command you that you summon Richard Roe to appear, in per-  
 23 son or by attorney, before said municipal court of Chicago at No. 148 Michigan  
 24 avenue, Chicago, Illinois, on Monday the 17th day of February, 1908, to  
 25 answer to the action of replevin brought therein against him by the said John  
 26 Doe.

27 Witness John Smith, clerk of said municipal court, and  
 28 the seal thereof, at Chicago, Illinois, this 10th day of  
 29 February, 1908.

30 JOHN SMITH, *Clerk.*

31 NOTE.

32 If the value of the personal property sought to be recovered exceeds one  
 33 hundred dollars (\$100) the writ shall require the appearance of the defend-  
 34 ant at ten o'clock a. m. sharp on the day fixed for such appearance.

Sec. 150. ALIAS WRITS OF REPLEVIN.] When it appears by the return of  
 2 the officer that the property or any portion thereof has not been taken or that  
 3 any defendant has not been found, alias writs of replevin directing the officer  
 4 to take such property or portion thereof or to summon the defendant or both,  
 5 as the case may be, may issue on the application of the plaintiff until such  
 6 property is taken or such defendant is served, or both, as the case may be.

Séc. 151. WRIT OF REPLEVIN—HOW EXECUTED.] A writ of replevin, in ad-  
 2 dition to being served upon the defendant in the manner hereinbefore provided,  
 3 shall be executed by the officer by seizing the personal property therein de-  
 4 scribed and delivering the same to the plaintiff in the action, or to his agent.

Sec. 152. PROPERTY NOT DELIVERED—CITATION—ORDER FOR DELIVERY—FORMS.]  
 2 When it appears by the return of the officer that demand has been made upon  
 3 the defendant for the property described in the writ of replevin, but that such

4 property or any portion thereof has not been delivered by the defendant to  
 5 the officer or otherwise taken. the plaintiff, if he believe the property not so  
 6 delivered to have been in the possession of said defendant at the time of such  
 7 demand, may apply to the court for, and obtain as a matter of course, a cita-  
 8 tion to the defendant requiring him to appear before the court at a time and  
 9 place specified in such citation to be examined respecting such property; and  
 10 if it shall appear that such property is in the possession or under the control  
 11 of the defendant, the court may make an order requiring the defendant to  
 12 forthwith deliver the same, or cause the same to be delivered, to the officer  
 13 to be held by the officer subject to the final judgment in the action and may  
 14 enforce compliance with such order by attachment of the defendant and the  
 15 punishment of the defendant as for a civil contempt of court or by other ap-  
 16 propriate process. Such citation may be served by any officer or person author-  
 17 ized by this Act to serve a summons and such service may be made by de-  
 18 livering to the defendant a copy of such citation, together with a copy of the  
 19 plaintiff's application, and informing the defendant of the contents of such  
 20 copy of the citation at least two (2) days prior to the day fixed therein for the  
 21 appearance of the defendant, which day shall be not less than three (3) nor  
 22 more than ten (10) days after the date thereof. The following forms of ap-  
 23 plication and citation under this section shall be deemed sufficient and shall  
 24 be taken as furnishing suggestions from which other applications and citations  
 25 may be properly framed:

26 1. APPLICATION FOR CITATION IN REPLEVIN.

27 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

28 John Doe  
 29 v.  
 30 Richard Roe. } Replevin. No. 40.

31 APPLICATION FOR CITATION.

32 The plaintiff says:

33 1. That a writ of replevin was issued in the above entitled action on the  
 34 10th day of February, 1908, in and by which the bailiff of said municipal court



35 was commanded to replevy from the possession of the defendant and deliver  
 36 to the plaintiff one bay horse with a white star in the forehead and one black  
 37 and white cow.

38 2. That said bailiff returned said writ on the 17th day of February, 1908,  
 39 with his return indorsed thereon showing that demand had been made upon  
 40 the defendant for the property described in said writ of replevin, but that said  
 41 black and white cow had not been delivered by the defendant to the bailiff or  
 42 otherwise taken.

43 3. That plaintiff verily believes that said black and white cow was in the  
 44 possession or under the control of said defendant at the time of the demand  
 45 made upon the defendant by the bailiff as aforesaid.

46 Wherefore plaintiff prays for a citation to the defendant requiring him  
 47 to appear before the court at ten o'clock, a. m., on February 25, 1908, for ex-  
 48 amination respecting said property.

49 JOHN DOE,

50 By HENRY BROWN,

51 *His Attorney.*

52 John Doe on his oath says that the foregoing application by him sub-  
 53 scribed is true in substance and in fact.

54 JOHN DOE.

55 Subscribed and sworn to before me this 18th day of February, 1908.

56 JOHN SMITH, *Clerk.*

57 2. CITATION IN REPLEVIN.

58 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

59 John Doe  
 60 v. } Replevin. No. 40.  
 61 Richard Roe.

62 CITATION FOR DEFENDANT.

63 The People of the State of Illinois—GREETING to Richard Roe:

64 We hereby command you to personally be and appear before the municipi-  
 65 pal court of Chicago, Illinois at No. 148 Michigan avenue, Chicago, Illinois, at  
 66 ten o'clock, a. m., on Tuesday, the 25th day of February, 1908, to be examined  
 67 under oath concerning the property described in the writ of replevin in the  
 68 above entitled action and not delivered by you to the bailiff of such municipal  
 69 court.

70 Witness John Smith, clerk of said municipal court and  
 71 the seal thereof, at Chicago, Illinois, this 18th day  
 72 of February, 1908.

73 JOHN SMITH, *Clerk.*



Sec. 153. DUTY OF DEFENDANT TO DELIVER PROPERTY—CONTEMPT OF COURT—

POWER OF COURT.] It shall be the duty of every defendant in an action of replevin, upon being served by the proper officer with the writ of replevin issued in such action, to deliver or cause to be delivered to the officer the property described in such writ, or such portion thereof as may be then in the possession or control of such defendant, and a failure to so deliver such property, when the same is in the possession or control of the defendant, shall be deemed a contempt of court and shall be punished accordingly; and if, after the service upon the defendant of a writ of replevin, the defendant shall, for the purpose of defeating the seizure of the property by the officer, or otherwise, deliver or cause to be delivered such property to any third person, the court shall have full power and authority, by summary proceedings, to pursue the said property into whosoever hands the same may come and to cause the same to be delivered to the officer to be disposed of under such writ.

Sec. 154. DEFENSES TO ACTIONS OF REPLEVIN.] The defenses to actions of

replevin shall be known and stated in abbreviated forms in specifications of defenses as (a) non cepit, (b) non detinet, (c) property in defendant, (d) property in third person and (e) justification, and with respect to said several defenses the following rules shall prevail:

*First*—NON CEPIT, NON DETINET AND PROPERTY IN DEFENDANT.] The defenses of non cepit, non detinet, and property in defendant, without further specification of particulars, shall include all matters of defense which could heretofore be proven under the defenses commonly known as the pleas of non cepit, non detinet and property in defendant.

*Second*—PROPERTY IN THIRD PERSON.] The defenses of property in third person shall include the defense heretofore commonly known and described as the plea of property in third person. The specifications thereof in the

14 abbreviated form above provided for shall include a statement of the name of  
15 the third person.

16 *Third—JUSTIFICATION.*] The defense of justification shall include all de-  
17 fenses heretofore commonly known and described as pleas of justification. The  
18 specification thereof in the abbreviated form above provided for shall be fol-  
19 lowed by a statement of the matter constituting the justification.

Sec. 155. FORM OF APPEARANCE AND SPECIFICATION OF DEFENSES IN REPLEVIN.]

2 The following form of appearance and specification of defenses in an action of  
3 replevin shall be deemed sufficient and shall be taken as furnishing sugges-  
4 tions from which other similar papers may be properly framed:

5 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

6 John Doe et al. }  
7 v. } Replevin. No. 175.  
8 Richard Roe. }

9 APPEARANCE.

10 The appearance of the defendant is hereby entered.

11 WILLIAM SMITH,  
12 *Defendant's Attorney,*  
13 19 Monroe St., Chicago, Illinois.

14 SPECIFICATION OF DEFENSES.

15 Defendant will rely upon the following defenses:

- 16 1. Non detinet.
- 17 2. Property in defendant.
- 18 3. Property in third person, to-wit: John Smith.
- 19 4. Justification, being seizure by defendant as sheriff of property speci-
- 20 fied in the plaintiff's statement of claim under execution issued upon judg-
- 21 ment of circuit court of Cook county in favor of John Smith and against
- 22 plaintiffs for \$1,000 and costs, entered January 4 1907, in case Contract, No.
- 23 2,463.

24 WILLIAM SMITH,  
25 *Defendant's Attorney.*

Sec. 156. PROCEDURE IN ACTIONS OF REPLEVIN.] In actions of replevin in

2 addition to the rules hereinbefore prescribed, the following rules shall pre-  
3 vail:

4 *First*—WHEN PROPERTY NOT DELIVERED TO PLAINTIFF.] When the property  
5 specified in the writ has not been found by the officer or delivered to the plaintiff,  
6 and the defendant is served with the writ or enters his appearance, the plain-  
7 tiff may proceed with the trial of the action and if, upon the trial, he shall  
8 establish his right to the property replevied he shall be entitled to judgment  
9 against the defendant for the value thereof or of his interest therein and for  
10 such damages as he shall have sustained by reason of the wrongful taking and  
11 detention of the property.

12 *Second*—WHAT JUDGMENT MAY BE RENDERED AGAINST PLAINTIFF.] If the  
13 plaintiff fails to prosecute his action with effect or suffers a non-suit or dis-  
14 continuance, or if the right of property is adjudged against him, judgment shall  
15 be given for a return of the property and damages for the use thereof from  
16 time it was taken until the return therefor shall be made, unless the plain-  
17 tiff shall in the meantime have become entitled to the possession of the prop-  
18 erty, when judgment may be given against him for costs and such damages as  
19 the defendant shall have sustained: or, if the property was held for the pay-  
20 ment of any money, the judgment may be in the alternative that the plaintiff  
21 pay the amount for which the same is rightfully held with proper damages  
22 within a given time or make return of the property.

23 *Third*—JUDGMENT FOR PLAINTIFF.] If judgment be given for the plaintiff  
24 he shall recover damages for the detention of the property while the same  
25 was wrongfully detained by the defendant.

26 *Fourth*—ASSESSMENT OF DAMAGES.] In either case provided for in the two  
27 preceding clauses of this section, if the action be tried by a jury the damages  
28 may be assessed by such jury, but if the plaintiff make default or the judg-

ment be given for the defendant without a trial, or if the action be tried by the court without a jury, the damages may be assessed by the court.

*Fifth*—ACTION ON REPLEVIN BOND.] If, at any time, the conditions of the bond required by this Act to be given by the plaintiff at the time of the commencement of his action shall be broken, any person having suffered damages by reason of the breach thereof may, in the name of the People of the State of Illinois, for his own use, sue and maintain an action on such bond for the recovery of all such damages and costs as may have been sustained by him in consequence of the breach of such condition.

*Sixth*—PROCEDURE WHEN MERITS NOT DETERMINED.] When the merits of the action have not been determined upon the trial thereof the defendant in the action upon the replevin bond may, in his specification of defense or defenses, set up that fact and his title to the property in dispute in said action of replevin.

#### Sec. 157. TRIAL OF RIGHT OF PROPERTY—WHEN BROUGHT—HOW COMMENCED.]

An action for the trial of the right of property may be instituted in the municipal court in every case in which an execution or writ of attachment issued out of any court of record is levied by any sheriff, coroner, bailiff or other officer upon personal property within the city of Chicago and in every case in which property has been taken for any tax, assessment or fine levied by virtue of any law of this State or is held by virtue of any writ of replevin issued in any then pending action brought against any other person than the plaintiff in such action. Every such action shall be commenced by the claimant as plaintiff against such sheriff, coroner, bailiff or other officer and the plaintiff in the execution or writ of attachment, or against the officer by whom the property has been seized for any tax, assessment or fine levied by virtue of any law of this State, or against the parties to the writ of replevin under which such property is held, as defendants, by the filing by the claimant in



the proper court of a praecipe for a summons to the defendants named in such praecipe, together with a statement of the plaintiff's claim.

Sec. 158. FORM OF PRAECIPE AND STATEMENT OF CLAIM IN ACTION FOR TRIAL

OF RIGHT OF PROPERTY.] The following form of praecipe and statement of claim in an action for the trial of the right of property shall be deemed sufficient and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |   |                                     |
|-----------------|---|-------------------------------------|
| John Doe        | } | Trial of Right of Property. No. 25. |
| v.              |   |                                     |
| Richard Roe and |   |                                     |
| Thomas Jones.   |   |                                     |

PRAECIPE.

To the clerk of said court:

Please issue a summons requiring the appearance of the defendants on the 25th day of February, 1908.

HENRY BROWN,

*Attorney for Plaintiff*

927 Marquette Building, Chicago.

STATEMENT OF CLAIM.

Plaintiff's claim is for possession of one roan horse with white star in forehead, held by defendant John Doe as sheriff of Cook county and by virtue of a levy and an execution for \$500 against William Doe and in favor of Thomas Jones, issued by the circuit court of Cook county and dated February 1, 1908.

HENRY BROWN,

*Attorney for Plaintiff.*

Sec. 159. DEFENSES TO ACTIONS FOR TRIAL OF RIGHT OF PROPERTY.] The de-

fenses to actions for the trial of the right of property shall be known and stated in the abbreviated forms in specifications of defenses as (a) not guilty and (b) denial of levy or seizure, and with respect to said several defenses the following rules shall prevail:

6       *First*—NOT GUILTY.] The defense of not guilty shall, without further  
 7 specification of particulars, include all matters of defense, other than a denial  
 8 of a seizure of the property in controversy under the execution, or writ of  
 9 attachment, or writ of replevin, or tax warrant, described in the plaintiff's  
 10 statement of claim.

11       *Second*—DENIAL OF LEVY.] The defense of denial of levy shall be taken  
 12 to mean a denial by the defendants of the seizure and holding of the prop-  
 13 erty under the writ of attachment, or execution, or writ of replevin, or tax  
 14 warrant, specified in the plaintiff's statement of claim.

Sec. 160. FORMS OF APPEARANCE AND SPECIFICATION OF DEFENSES IN TRIAL OF  
 2 RIGHT OF PROPERTY.] The following form of appearance and specification of  
 3 defenses in an action for the trial of the right of property shall be deemed  
 4 sufficient and shall be taken as furnishing suggestions from which other simi-  
 5 lar papers may be properly framed:

6                               IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|   |                    |  |
|---|--------------------|--|
| 7 | John Doe           | } Trial of Right of Property. No. 140. |
| 8 | v.                 |  |
| 9 | Richard Roe et al. |  |

10   APPEARANCE.

11       The appearance of the defendant is hereby entered.

|    |  |                                      |
|----|--|--------------------------------------|
| 12 |  | WILLIAM SMITH,                       |
| 13 |  | <i>Defendant's Attorney.</i>         |
| 14 |  | 19 Monroe street, Chicago, Illinois. |

15   SPECIFICATION OF DEFENSES.

16       Defendant will rely upon the following defenses:

- 17       1. Not guilty.  
 18       2. Denial of levy.

|    |  |                              |
|----|--|------------------------------|
| 19 |  | WILLIAM SMITH,               |
| 20 |  | <i>Defendant's Attorney.</i> |

Sec. 161. PROCEDURE IN TRIALS OF RIGHT OF PROPERTY.] In actions for the  
 2 trial of the right of property, in addition to the rules otherwise prescribed  
 3 in this Act, the following rules shall prevail:

4 *First*—SERVICE OF SUMMONS—HOW MADE—EFFECT OF JUDGMENT.] When  
 5 the action is brought to recover property levied upon by virtue of any execution  
 6 or writ of attachment and the plaintiff or plaintiffs in the execution or writ of  
 7 attachment are not residents of the city of Chicago, service of the summons upon  
 8 such plaintiff or plaintiffs may be made by delivering a copy of the summons,  
 9 praecipe and statement of claim to the bailiff, sheriff or other officer by  
 10 whom the execution or writ of attachment has been levied, whose duty it shall  
 11 be to transmit the same by registered letter, or otherwise cause the same to  
 12 be delivered, to the attorney or one of the attorneys of record of such plaintiff  
 13 or plaintiffs, or, if there be no such attorney of record, such sheriff or other  
 14 officer shall transmit such copy of the summons, praecipe and statement of  
 15 claim by registered letter, or otherwise cause the same to be delivered, to one  
 16 of the plaintiffs in the execution or writ of attachment, and such bailiff, sheriff  
 17 or other officer shall thereupon be relieved from all responsibility for the de-  
 18 fense of such action, and the judgment in such case, if the same be in favor of  
 19 the plaintiff, shall be a complete indemnity to such bailiff, sheriff or other  
 20 officer for restoring to such plaintiff any property required by the judgment  
 21 in such action to be restored to the plaintiff, or, if it be in favor of the defend-  
 22 ant, it shall be a complete indemnity to the bailiff, sheriff or other officer from  
 23 all liability to the plaintiff in the action for selling the property under the  
 24 execution by virtue of which the same was seized, or under the execution  
 25 issued in the action under the writ of attachment in which such property was  
 26 seized.

27 *Second*—JUDGMENTS WHICH MAY BE ENTERED WHEN PROPERTY LEVIED UPON  
 28 UNDER EXECUTION.] If, upon the trial of the action, when the same is brought  
 29 to recover property levied upon by virtue of an execution or writ of attach-

ment, the jury, if the action be tried by jury, or the court, if the trial be by the court without a jury, finds that the property in controversy belongs to the plaintiff, when the plaintiff is any person other than a defendant in the execution or writ of attachment, or that such property is exempt from such execution or attachment, judgment shall be entered in favor of the plaintiff against the defendants that the plaintiff have and recover from the defendants the possession of the property, together with the costs of the action, such costs to be paid by the plaintiffs in the execution or attachment. If the jury or the court, as the case may be, finds that the property does not belong to the plaintiff, or is not exempt from execution or attachment, as the case may be, judgment shall be entered in favor of the defendants and against the plaintiff for the costs of the action, and an order shall be entered that the bailiff, sheriff or other officer proceed in the manner provided by law to subject the property to the payment of the execution already issued, or thereafter to be issued, as the case may be.

*Third*—JUDGMENT WHEN PROPERTY TAKEN FOR TAX, ETC.] When the action is brought to recover property which has been taken for any tax, assessment or fine levied by virtue of any law of this State, then, in such case, if the jury or the court, as the case may be, finds that the same was not lawfully subject to be taken for such tax, assessment or fine, judgment shall be entered in favor of the plaintiff and against the defendant that the plaintiff recover possession of the property from the defendant; but no costs shall be recovered by the plaintiff from the defendant, unless it shall appear to the satisfaction of the court that the seizure of the property by the defendant was made in bad faith. If it shall appear from the verdict of the jury or the finding of the court that the property taken was subject to be taken for the tax, assessment or fine, judgment shall be entered in favor of the defendant and against the plaintiff for the costs of the action, and an order shall be made that the officer



58 proceed to subject the property to the payment of such tax, assessment or  
59 fine in the manner provided by law.

60 *Fourth*—JUDGMENT WHEN ACTION BROUGHT TO RECOVER REPLEVIED PROPERTY.]

61 When the action is brought to recover property held by virtue of a writ of  
62 replevin issued in an action then pending brought against a person other than  
63 the plaintiff, then and in such case, if the jury, or the court, as the case may  
64 be, finds that the plaintiff is entitled to recover possession of the property,  
65 judgment shall be entered in his favor that he recover such possession and  
66 the costs of the action from the defendant; but if the jury, or the court, as the  
67 case may be, finds that the plaintiff is not entitled to recover possession of the  
68 property, judgment shall be entered in favor of the defendants and against the  
69 plaintiff for the costs of the action.

Sec. 162. WHEN FORCIBLE DETAINER MAY BE BROUGHT.] The person entitled  
2 to the possession of lands and tenements may recover possession thereof by  
3 an action of forcible detainer in the following cases:

4 *First*—FORCIBLE ENTRY.] When a forcible entry is made thereon.

5 *Second*—POSSESSION UNLAWFULLY WITHHELD.] When a peaceable entry is  
6 made and the possession unlawfully withheld.

7 *Third*—ENTRY UPON VACANT OR UNOCCUPIED LANDS.] When the entry is made  
8 into vacant or unoccupied lands or tenements without right or title.

9 *Fourth*—POSSESSION WITHHELD AT TERMINATION OF LEASE.] When any lessee  
10 of the lands or tenements, or any person holding under him, holds possession  
11 without right after the determination of the lease or tenancy by its own limi-  
12 tation, conditions or terms, or by notice to quit or otherwise.

13 *Fifth*—VENDEE WRONGFULLY WITHHOLDING POSSESSION.] When a vendee, hav-  
14 ing obtained possession under a written or verbal agreement to purchase lands  
15 or tenements and having failed to comply with his agreement, withholds pos-  
16 session thereof after demand in writing by the person entitled to such  
17 possession.

18 *Sixth*—REFUSAL TO SURRENDER POSSESSION AFTER CONVEYANCE OR JUDICIAL  
 19 SALE, ETC.] When lands or tenements have been conveyed by any grantor in  
 20 possession, or sold under the judgment or decree of any court of this State,  
 21 or by virtue of any power of sale in any mortgage or deed of trust contained  
 22 and the grantor in possession or party to such judgment or decree, or to such  
 23 mortgage or deed of trust, after the expiration of the time of redemption,  
 24 when redemption is allowed by law, refuses or neglects to surrender posses-  
 25 sion thereof after demand in writing by the person entitled thereto or  
 26 his agent.

Sec. 163. FORCIBLE DETAINER—HOW COMMENCED.] Every action of forcible  
 2 detainer shall be commenced by the filing by the plaintiff with the clerk of a  
 3 praecipe for a summons and a statement of the plaintiff's claim describing  
 4 with reasonable certainty, the premises of which possession is claimed. The  
 5 plaintiff may also, in such action, join with his claim for possession of the  
 6 premises a claim for rent, or for damages for the withholding of such pos-  
 7 session, in which case the plaintiff's statement of claim shall specify the  
 8 amount of rent or damages claimed.

Sec. 164. FORM OF PRAECIPE AND STATEMENT OF CLAIM IN FORCIBLE DETAINER.]  
 2 The following form of praecipe and statement of claim in an action of forcible  
 3 detainer shall be deemed sufficient and shall be taken as furnishing sugges-  
 4 tions from which other similar papers may be properly framed:

5 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

6 John Doe  
 7 v.  
 8 Richard Roe. } Forcible Detainer. No. 60.

9 PRAECIPE.

10 To the clerk of said court:

11 Please issue a summons requiring the appearance of the defendant on  
 12 Monday, the 24th day of February, 1908.

13  
 14 HENRY BROWN,  
 Attorney for Plaintiff,  
 15 927 Marquette Building, Chicago.

## STATEMENT OF CLAIM.

Plaintiff's claim is for possession of the premises known as lot one in block two in the city of Chicago.

HENRY BROWN,  
*Attorney for Plaintiff.*

Sec. 165. DEFENSES TO ACTIONS OF FORCIBLE DETAINER.] The defense to an action of forcible detainer, when the plaintiff does not unite with his claim for possession of the property a claim for rent or damages, shall be known and stated in the abbreviated form as not guilty, and the defense of not guilty shall include all matters of defense. When the plaintiff unites with his claim for possession of the property a claim for rent or damages the defenses as to such claim shall be known and stated in the abbreviated forms in the same manner and shall have the same effect as the defenses hereinbefore provided for actions on contracts, express or implied, other than in writing.

Sec. 166. FORM OF APPEARANCE WITH SPECIFICATION OF DEFENSES IN FORCIBLE DETAINER.] The following form of appearance and specification of defenses in an action of forcible detainer shall be deemed to sufficiently comply with the provisions of this Act, and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                             |
|--------------|---|-----------------------------|
| John Doe     | } | Forcible Detainer. No. 217. |
| v.           |   |                             |
| Richard Roe. |   |                             |

## APPEARANCE.

The appearance of the defendant is hereby entered.

WILLIAM SMITH,  
*Defendant's Attorney,*

119 Monroe Street, Chicago, Illinois.

## SPECIFICATION OF DEFENSES.

Defendant will rely upon the following defenses:

1. Not guilty.

2. General issue.

3. Satisfaction by payment in money on or about January 2, 1908.

WILLIAM SMITH,  
Defendant's Attorney.

Sec. 167. PROCEDURE IN ACTIONS OF FORCIBLE DETAINER.] In actions of forcible detainer, in addition to the rules otherwise prescribed in this Act, the following rules shall prevail:

*First*—JUDGMENTS WHICH MAY BE ENTERED.] If no rent or damages are claimed by the plaintiff and it shall appear on the trial that the plaintiff is entitled to the possession of the whole of the premises claimed, he shall have judgment for the possession thereof and for his costs; but if it shall appear that he is entitled to the possession of only a part of the premises claimed the judgment shall be in his favor for that part only and for costs and for the residue judgment shall be in favor of the defendant; or, if the plaintiff is non-suited, or it appears that the plaintiff is not entitled to possession of any portion of the premises claimed, judgment shall be in favor of the defendant for the costs. If the plaintiff also claims rent or damages and he shall be found entitled thereto he shall have judgment for the amount to which he is so found entitled, but if he is found not entitled to rent or damages judgment shall be given in favor of the defendant as to such claim for rent or damages.

*Second*—JOINDER OF PARTIES, ETC.] Whenever there shall have been one lease for the whole of certain premises and the possession thereof at the commencement of the action shall be divided in severalty among persons with, or other than, the lessee, in one or more portions or parcels, separately or severally held or occupied, all or so many of such persons, with the lessee, as the plaintiff may elect, may be joined as defendants in one action and the recovery



against them with costs shall be several according as their actual holdings shall respectively be found to be.

*Third*—DISMISSAL BY PLAINTIFF. ETC.] The plaintiff may at any time dismiss his action as to any one or more of the defendants and the jury or court may find any one or more of the defendants guilty and the others not guilty, and the court shall thereupon render judgment according to such finding.

*Fourth*—WRIT OF RESTITUTION.] No writ of restitution shall be issued in any case until the expiration of five days after the entry of judgment.

Sec. 168. WHEN DEFAULTS MAY BE ENTERED.] Excepting as may be otherwise expressly provided by this Act, a default may be entered against any defendant in an action at law, under the following circumstances.

*First*—FAILURE TO ENTER APPEARANCE.] When the defendant, having been duly served with the summons or writ, fails to file with the clerk his appearance in writing in such action within the time specified therefor in this Act.

*Second*—FAILURE TO FILE SPECIFICATION OF DEFENSES] When the defendant at the time of filing his appearance in writing fails to file with the clerk a specification of his defense or defenses, in any action in which the filing of such specification of defense or defenses is required by this Act.

*Third*—FAILURE TO COMPLY WITH RULE.] When the defendant fails to comply with any rule laid upon him within the time required by such rule.

*Fourth*—FAILURE TO FILE AFFIDAVIT OF MERITS.] When, in any action upon a contract, express or implied, for the payment of money the plaintiff has filed with his statement of claim an affidavit showing the nature of his demand and the amount due him from the defendant, after allowing to the defendant all his just credits, deductions and set-offs, if any, the defendant or his agent or attorney, if the defendant is a resident of the city of Chicago, and is not an executor or administrator defending on behalf of an estate or the conservator of an idiot, habitual drunkard, lunatic or distracted person, or guardian of a minor,

21 or the action is one in which the amount sought to be recovered by the plaintiff  
 22 does not exceed one hundred dollars (\$100), shall fail to file with the speci-  
 23 fication of his defense or defenses an affidavit stating that he verily believes the  
 24 defendant has a good defense to such action upon the merits to the whole or a  
 25 portion of the plaintiff's demand and specifying the nature of such defense  
 26 and, if the same be to a portion of the demand, specifying the amount according  
 27 to the best of his judgment.

28 *Fifth*—NOTICE BY PUBLICATION—NON-APPEARANCE.] When the defendant,  
 29 having been duly notified by publication of the pendency of the action, fails to  
 30 file with the clerk his appearance in writing in such action on or before the day  
 31 on which he is required by the notice to appear.

32 *Sixth*—NOTICE BY PUBLICATION—FAILURE TO FILE SPECIFICATION OF DEFENSES.]  
 33 When the defendant, having been duly notified by publication of the pendency  
 34 of the action, fails to file with the clerk a specification of his defense or de-  
 35 fenses at the time of the filing of his appearance in writing in any action in  
 36 which the filing of such specification of defense or defenses is required by this  
 37 Act.

Sec. 169. DEFAULT OF GARNISHEE.] A default may be entered against any  
 2 garnishee, when such garnishee, having been duly served with the garnishee  
 3 summons and a copy of the interrogatories, fails to file his appearance, to-  
 4 gether with an answer to such interrogatories, at or before the time specified  
 5 therefor in this Act.

Sec. 170. WHEN NOTICE OF DEFAULT TO BE GIVEN.] When the defendant  
 2 has not entered his appearance a default may be entered against him and sub-  
 3 sequent proceedings may be had thereon without further notice, but no default  
 4 shall be entered against the defendant when the defendant has entered his ap-  
 5 pearance excepting upon notice in writing to the defendant or to his attorney

6 served before four o'clock p. m. of the day preceding that on which such de-  
 7 fault is proposed to be taken, or upon its being made satisfactorily to appear  
 8 to the court that the service of such notice has been impracticable: *Provided*,  
 9 *however*, that nothing herein contained shall be construed to require the record  
 10 in any action to show affirmatively the service of any such notice, but such  
 11 service shall be presumed unless the contrary affirmatively appears.

Sec. 171. DEFAULTS TO BE NOTED BY CLERK OR DEPUTY, OR ASSISTANT OF CHIEF

2 JUSTICE—ENTRY OF DEFAULTS.] It shall be the duty of the clerk, or of any deputy  
 3 clerk or assistant of the chief justice assigned to duty for that purpose by  
 4 the chief justice, at ten o'clock a. m. of each Monday, Tuesday, Thursday and  
 5 Friday of each week, to prepare or cause to be prepared a list of all actions then  
 6 pending in the court in which the defendants or any of them are in default  
 7 for want of appearance and in which no defaults have been entered and, upon  
 8 the presentation of such list to any judge of said court, it shall be the duty of  
 9 said judge to cause defaults to be duly entered upon the record against such  
 10 defendants, and no attendance on the part of any plaintiff shall be necessary  
 11 for the procuring of any such default.

Sec. 172. EVIDENCE UPON ASSESSMENT OF DAMAGES.] Upon the entry of any

2 default in any action at law for the recovery of money, the amount of the  
 3 plaintiff's claim, which will be hereinafter designated as the damages, shall be  
 4 assessed by the court, or officer authorized by this Act to make such assess-  
 5 ment, without the intervention of a jury, unless the defendant shall have filed  
 6 in the action his appearance in writing together with a demand in writing of  
 8 a trial by jury. When, in any such action, the damages are assessed by the  
 9 court, or officer aforesaid, and the action is on a contract, express or implied,  
 10 for the payment of money, the court, or officer aforesaid, may receive, as sufficient  
 11 evidence for that purpose, an affidavit or affidavits, provided the same shall



12 show the nature of the plaintiff's demand and the amount due him from the  
 13 fendant after allowing to the defendant all his just credits, deductions and  
 14 set-offs, and, in any such case in which any such affidavit or affidavits have  
 15 been filed, the court or officer may assess such damages of its or his own motion  
 16 and without the necessity of application therefor by the plaintiff, but damages  
 17 shall not be assessed against any party whose appearance has been entered,  
 18 except upon notice in writing to such party or his attorney served before four  
 19 o'clock p. m. of the day preceding that on which such damages are proposed  
 20 to be assessed, or upon its being satisfactorily made to appear to the court that  
 21 the service of such notice has been impracticable: *Provided, however,* that in  
 22 actions of attachment in which the defendant has been notified by publication  
 23 only and has not entered his appearance, judgment shall not be rendered against  
 24 him for a greater sum than appears, by the affidavit of the plaintiff, his agent or  
 25 attorney, to have been due at the time of obtaining the attachment, with in-  
 26 terest, damages and costs.

Sec. 173. SETTING ASIDE DEFAULTS. ] The court may, in its discretion, either  
 2 before final judgment or within sixty days thereafter, set aside any default  
 3 upon such terms and conditions as shall be deemed reasonable. No motion to  
 4 set aside a default shall be overruled because of the negligence or want of  
 5 diligence of any attorney, if the party defaulted shall not appear to have been  
 6 personally guilty of negligence or want of diligence, and shall, if plaintiff show  
 7 by affidavit or otherwise a good cause of action, or, if defendant shall show a  
 8 good defense. But the court may, in case of the negligence of the attorney,  
 9 require such attorney to pay all the costs of the action down to the time such  
 10 default is vacated.

Sec. 174. TIME OF TAKING DEFAULTS, ETC., MAY BE REGULATED BY RULE.] The  
 2 time within which defaults may be taken or damages assessed, and the extent



3 of the notices to be given as hereinbefore provided may be extended or  
 4 changed by the court by special order in any action or by general rules.

Sec. 175. DAMAGES MAY BE ASSESSED BY DEPUTY CLERK OR ASSISTANT OF  
 2 CHIEF JUSTICE.] The chief justice may assign any deputy clerk, or any assist-  
 3 ant of said chief justice, to the duty of assessing damages in actions on con-  
 4 tracts, express or implied, for the payment of money in cases in which de-  
 5 faults for non-appearance have been entered against the defendants, or any of  
 6 them, and any deputy clerk or assistant of the chief justice so assigned to such  
 7 duty may hear the evidence and assess the damages to which the plaintiff may  
 8 be entitled and may receive, as sufficient evidence of the plaintiff's damages,  
 9 the affidavit of the plaintiff's claim, if any such affidavit be filed, as well as  
 10 any other competent evidence and, upon the certificate of such assessment of  
 11 damages, the court may enter judgment in favor of the plaintiff and against  
 12 the defendant for the amount of such assessment. Such certificate may be in  
 13 substantially the following form:

14 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.  
 15 John Doe  
     v.  
 16 Richard Roe. } Contract. No. 40.

17 CERTIFICATE OF ASSESSMENT OF DAMAGES.  
 18 The undersigned, an assistant of the chief justice of said municipal court,  
 19 hereby certifies that the plaintiff in the above entitled action is entitled to  
 20 judgment by default against the defendant and that the plaintiff's damages  
 21 should be assessed at five hundred dollars (\$500).

22 Chicago, Illinois, September 17, 1909.  
 23  
 24  
 GEORGE THOMAS,  
*Assistant of Chief Justice.*

Sec. 176. DUTY OF DEPUTY CLERK OR ASSISTANT OF CHIEF JUSTICE TO ASSESS DAM-  
 2 AGES—WHEN ATTENDANCE OF PLAINTIFF NOT NECESSARY—JUDGES TO ADOPT RULES  
 3 AND REGULATIONS.] It shall be the duty of every deputy clerk or assistant of

4 the chief justice assigned to such duty, as aforesaid, to assess the damages in  
 5 every case of default specified in the preceding section when applied to for  
 6 that purpose, and such damages may be assessed by such deputy clerk or  
 7 assistant of the chief justice without requiring the attendance of the plaintiff  
 8 or his attorney for that purpose whenever, by the terms of this Act, an affida-  
 9 vit of claim may be received as competent evidence of such damages. It shall  
 10 be the duty of the judges of the municipal court to adopt such rules and  
 11 regulations pertaining to defaults and the assessment of damages as will enable  
 12 parties entitled to such defaults and assessments to obtain the same without  
 13 unnecessary delay and, as far as may be practicable, without interference with  
 14 with the prompt transaction of the other business of the court.

Sec. 177. MOTION TO BE IN WRITING—EXCEPTION—FILING—SERVICE.] Every  
 2 motion made in the municipal court in any civil or quasi criminal action, other  
 3 than a motion made during the progress of a trial or hearing, shall be reduced  
 4 to writing, signed by the party making the same or his attorney, and shall be  
 5 filed with the clerk, together with proof of service of a copy thereof, and of  
 6 copies of all affidavits or other documents to be used in support thereof, upon  
 7 the opposite party. When the motion is made by the plaintiff such copy shall  
 8 be served upon each defendant or group of defendants entering a separate  
 9 appearance and no such copies need be served upon any defendant who shall  
 10 not have entered a separate appearance, unless the court, before the dispo-  
 11 sition of the motion, shall otherwise direct.

Sec. 178. CLERK TO ENTER MOTIONS—CALENDAR.] When any such motion is  
 2 filed with the clerk he shall cause to be entered upon the proper register and  
 3 minute book a minute of the filing and entering of the motion, and thereupon  
 4 said motion shall be treated and considered as having been duly entered in  
 5 open court, and the same shall be placed upon the calendar of motions to be

6 heard, unless the same be accompanied by a stipulation as hereinafter pro-  
 7 vided.

Sec. 179. WHEN MOTION STIPULATED FOR MUST BE ALLOWED.] Either party  
 2 to any action, other than a criminal action, shall be entitled to the allowance,  
 3 as a matter of course, of either of the following motions when the allowance  
 4 thereof is agreed to by stipulation in writing signed by all the parties to the  
 5 action or by their respective attorneys:

6 *First*—FOR POSTPONEMENT.] A motion for the postponement of the trial or  
 7 hearing of an action or of any proceeding therein, whether before the court or  
 8 before any master in chancery, when such motion and stipulation are filed be-  
 9 fore 3 o'clock P. M. of the day prior to the day on which the action or proceed-  
 10 ing would otherwise be called for trial or hearing: *Provided, however,* that  
 11 no more than three postponements by agreement shall be allowed to the same  
 12 party in the same action.

13 *Second*—To DISMISS.] A motion to dismiss an action either as to all of  
 14 the defendants or as to any one or more of them.

15 *Third*—FOR ADDITIONAL TIME IN ACTION AT LAW.] A motion for additional  
 16 time to file any paper which a party is required to file in an action at law.

17 *Fourth*—FOR ADDITIONAL TIME IN EQUITY.] A motion for additional time to  
 18 file pleadings or other papers in actions in equity.

19 *Fifth*—AS TO REPORT OF PROCEEDINGS.] A motion for additional time to  
 20 tender to a judge for settlement and signature a report of proceedings.

21 *Sixth*—ADDITIONAL TIME TO COMPLY WITH RULE.] A motion for additional  
 22 time to comply with any rule laid upon the party making such motion.

23 *Seventh*—ADDITIONAL TIME FOR APPEAL.] A motion for additional time with-  
 24 in which to file a notice of appeal or an appeal bond.

25 *Eighth*—FOR LEAVE TO AMEND ANY PAPER.] A motion for leave to file an  
 26 amendment to or otherwise amend any praecipe, statement of claim, specifica-  
 27 tion of defense or defenses, pleading or other paper filed in any action.

28       *Ninth*—FOR LEAVE TO AMEND RECORD ENTRY.] A motion to amend any rec-  
29 ord entry in any action.

30       *Tenth*—FOR LEAVE TO FILE INTERROGATORIES.] A motion for leave to file in-  
31 terrogatories to be answered by the adverse party or person for whose imme-  
32 diate benefit the action is prosecuted or defended, or by the directors, officers,  
33 superintendents or managing agents of any corporation which is a party to the  
34 record in the action.

35       *Eleventh*—FOR LEAVE TO FILE SUPPLEMENTAL BILL, ETC.] A motion for leave  
36 to file a supplemental bill of complaint or an amendatory and supplemental bill  
37 of complaint.

38       *Twelfth*—FOR LEAVE TO FILE BILL OF INTERVENTION, ETC.] A motion for  
39 leave to file a bill of intervention, or intervening petition in an action in  
40 equity, or an intervener's claim or intervening petition in an action of law.

41       *Thirteenth*—FOR CHANGE OF VENUE.] A motion for a change of venue.

42       *Fourteenth*—FOR ORDER AS TO EXCEPTIONS, DEMURRER, ETC.] A motion for  
43 an order sustaining or overruling any exception or demurrer to any pleading  
44 or otherwise disposing of such pleading.

45       *Fifteenth*—AS TO DEFAULT.] A motion to set aside a default.

46       *Sixteenth*—TO VACATE JUDGMENT.] A motion to vacate a judgment or any  
47 other order of court.

48       *Seventeenth*—FOR REFERENCE TO MASTER.] A motion for a reference to a  
49 master in chancery.

50       *Eighteenth*—FOR APPROVAL OR DISAPPROVAL OF REPORT.] A motion to ap-  
51 prove or disapprove, in whole or in part, a master's report.

52       *Nineteenth*—OTHER MOTIONS.] Any other motion which the court may, by  
53 its rules, authorize to be allowed upon the stipulation of the parties.

Sec. 180. CLERK TO CALL MOTION TO ATTENTION OF JUDGE, ETC.—FORM.]

2 When any motion falling within the provisions of the preceding section shall



3 be filed together with the stipulation aforesaid, it shall be the duty of the clerk  
 4 to bring the same to the attention of the chief justice or one of the other  
 5 judges of the court, who shall thereupon direct the clerk to enter the proper  
 6 order and no attendance of either party shall be necessary therefor. The fol-  
 7 lowing form of motion and stipulation shall be deemed sufficient and shall be  
 8 taken as furnishing suggestions from which other motions and stipulations  
 9 may be properly framed:

10 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

11 John Doe  
     v.  
 12 Richard Roe. } Contract. No. 27.

13 MOTION.

14 This day the plaintiff moves the court for thirty days additional time  
 15 within which to tender to the judge for settlement and signature a report of  
 16 the proceedings herein.

17 HENRY SMITH,  
 18 *Plaintiff's Attorney.*

19 It is hereby stipulated that the foregoing motion be allowed.

20 HENRY SMITH,  
 21 *Attorney for Plaintiff.*  
 22 JAMES BROWN,  
 23 *Attorney for Defendant.*

Sec. 181. WHEN MOVING PARTY MUST APPLY TO OPPOSITE PARTY FOR STIPULA-  
 2 TION—PENALTY FOR REFUSING CONSENT WITHOUT JUST CAUSE AND VEXATIONALLY.]

3 Any party intending to move the court for the entry, in any action pending,  
 4 of an order which the parties are entitled to have entered by stipulation as  
 5 hereinbefore provided, shall first apply to the opposite party or to his attor-  
 6 ney, if such party has entered his appearance by himself or his attorney, to  
 7 consent to the entry of the order so to be moved for, and, upon his failure to  
 8 make such application to the opposite party, the entry of such order may, in

9 the discretion of the court, be refused. When any party, upon the application  
 10 of any other party to an action, refuses to consent to the entry of such order  
 11 the court may, upon the granting of such order, allow the party moving there-  
 12 for a sum not exceeding five dollars (\$5) as motion costs, to be paid by the  
 13 party so refusing consent as aforesaid, and may enforce the payment of such  
 14 costs by attachment, but no such allowance shall be made unless it shall ap-  
 15 pear that such consent was refused without just cause and vexatiously.

Sec. 182. PENALTY FOR MOTION MADE WITHOUT JUST CAUSE AND VEXATIONOUSLY.]

2 When any motion shall be denied by the court the court may allow the suc-  
 3 cessful party a sum not exceeding five dollars (\$5) as motion costs whenever  
 4 it appears to the satisfaction of the court that such motion has been made  
 5 without just cause and vexatiously.

Sec. 183. CHANGE OF VENUE—WHEN APPLICATION TO BE MADE IN CERTAIN

2 CASES.] Except as may be otherwise in this Act provided no application for  
 3 a change of venue on account of the prejudice of a judge or judges in any  
 4 action at law for the recovery of money only or personal property only, when  
 5 the amount of money or the value of the personal property sought to be re-  
 6 covered does not exceed one hundred dollars, or in any quasi criminal action,  
 7 or in any criminal action in which the punishment is by fine or imprisonment  
 8 otherwise than in the penitentiary, shall be allowed by the municipal court  
 9 when the applicant names in his application more than three judges from whom  
 10 such change of venue is desired, nor unless such application for a change of  
 11 venue is made by petition as may be required by law from time to time in  
 12 like cases in the circuit courts and such petition is filed at or before the time  
 13 of the filing or entering by the defendant of his appearance in the action in  
 14 which such change of venue is asked for, if such action is a civil or quasi  
 15 criminal action, or at or before the time the defendant is required to plead.  
 16 if such action is a criminal action.

Sec. 184. GRANTING OF CHANGE OF VENUE NOT TO DELAY TRIAL PROCEDURE.]

2 In no case shall the granting of any change of venue on account of the preju-  
 3 dice of a judge or judges delay the trial of the action, but the action shall  
 4 be tried and disposed of at the time set for the trial thereof, or at the time  
 5 to which the trial thereof may be postponed, before some other judge of the  
 6 court than the one or ones from whom the change of venue has been granted,  
 7 or in any other district in which the same may be ordered to be tried, and all  
 8 orders necessary for the setting of such case for trial and for the securing  
 9 of a speedy trial thereof may be made by the judge from whom such change  
 10 of venue has been obtained.

Sec. 185. WHEN CHANGE OF VENUE MAY BE GRANTED BY STIPULATION.] The

2 parties or any of them to any civil action pending in the municipal court,  
 3 shall be entitled to a change of venue from any one or more but not exceed-  
 4 ing three of the judges of said municipal court whenever the parties to said  
 5 action, or their attorneys, shall file a stipulation in writing signed by such  
 6 parties, or their attorneys, that such change of venue be granted and in such  
 7 case the trial of the action shall be had before some other judge of the court  
 8 than the one or ones from whom such change of venue has been granted.

Sec. 186. SPECIFICATION OF JUDGE AS INELLIGIBLE.] In any civil or quasi

2 criminal action commenced in the municipal court in any district in which  
 3 there are three or more branches being held at the same time the plaintiff,  
 4 at the time of the commencement of the action, and the defendant, at the time  
 5 he enters his appearance, shall have the right to specify by name one of said  
 6 judges as intelligible for the trial or hearing of the action. Such specifica-  
 7 tions shall be in writing and, if made by the plaintiff, shall be united with  
 8 his praecipe or be indicated by a note to his bill of complaint and, if made by  
 9 the defendant, shall be united with his appearance. In a case in which there  
 10 are several defendants entering separate appearances the right to such speci-

11 fication shall belong to the defendant first filing the same. No judge thus  
 12 specified as intelligible shall in any manner take part in the trial or hearing  
 13 of such action or in any proceeding therein. Such specification may be in  
 14 substantially the following form:

15 "Hon. Henry Brown shall be intelligible."

Sec. 187. OTHER PROCEDURE IN CHANGES OF VENUE.] The rules pertaining  
 2 to changes of venue, other than those prescribed in the four preceding sec-  
 3 tions, shall conform, as near as may be, to the rules prescribed from time to  
 4 time by law in similar cases in the circuit courts.

Sec. 188. FORMS OF PETITIONS, NOTICES AND RECOGNIZANCES FOR CHANGE OF  
 2 VENUE.] The following forms of petition and motion and stipulation for  
 3 change of venue, notice of applications therefor, and specification of judge as  
 4 intelligible, shall be deemed sufficient and shall be taken as furnishing sugges-  
 5 tions from which other petitions, stipulations, notices, recognizances and speci-  
 6 fications may be properly framed:

7 1. PETITION FOR CHANGE OF VENUE IN CIVIL ACTION ON ACCOUNT OF PREJUDICE  
 8 OF JUDGE.

9 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

10 John Doe  
 11 v. Richard Roe. } Contract. No. 215.

12 PETITION FOR CHANGE OF VENUE.

13 Richard Roe, the defendant, says that he fears he will not receive a fair  
 14 trial in said court before the Hon. John Jones, one of the judges of said court,  
 15 on account that the said judge is prejudiced against him so that he cannot  
 16 expect a fair trial in said court before said judge and that a knowledge of  
 17 such prejudice did not come to him until February 24, 1908.

18 Whereupon the defendant prays a change of venue.

19 RICHARD ROE.



Richard Roe, the defendant, on his oath says that the facts set forth in the foregoing petition by him subscribed are true in substance and in fact.

RICHARD ROE.

Subscribed and sworn to before me this 25th day of February, 1908.

JOHN SMITH, *Clerk.*

## 2. MOTION AND STIPULATION FOR CHANGE OF VENUE IN CIVIL ACTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe. } Contract. N. 215.

### MOTION FOR CHANGE OF VENUE.

This day the defendant moves the court that the venue herein be changed from the Hon. John Jones, Judge, and that the action be tried before one of the other judges of the court.

GEORGE THOMAS,

*Attorney for Defendant.*

### STIPULATION.

It is hereby stipulated that the foregoing motion be allowed.

HENRY SMITH,

*Attorney for Plaintiff.*

GEORGE THOMAS,

*Attorney for Defendant.*

### NOTE.

If the application is for a change of venue to another court the motion may read as follows:

This day the defendant moves the court that the venue herein be changed to the circuit court of Cook county.

## 3. NOTICE OF APPLICATION FOR A CHANGE OF VENUE IN A CIVIL ACTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe. } Replevin. No. 48.

50

## NOTICE.

51

To the plaintiff in the above entitled action:

52

You are hereby notified that at ten o'clock a. m., on Thursday, the 26th  
 53 day of February, 1908, I shall move the court, before Hon. John Jones, for  
 54 a change of venue.

55

RICHARD ROE,

56

By WILLIAM SMITH,

57

*His Attorney.*

58

4. APPEARANCE, SPECIFICATION OF JUDGE AS INELLIGIBLE AND SPECIFICATION OF

59

DEFENSES.

60

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

61

John Doe

62

v. Richard Roe.

} Forcible Detainer. No. 175.

63

## APPEARANCE.

64

The appearance of the defendant is hereby entered.

65

The Hon Henry Brown shall be inelligible.

66

WILLIAM SMITH,

67

*Defendant's Attorney.*

68

119 Monroe St., Chicago.

69

## SPECIFICATION OF DEFENSES.

70

Defendant will rely upon the following defenses:

71

1. Not guilty.

72

2. General issue.

73

3. Satisfaction by payment in money on or about Jan. 2, 1908.

74

WILLIAM SMITH,

75

*Defendant's Attorney.*

Sec. 189. COPIES OF CONTRACTS TO BE FURNISHED WHEN.] The plaintiff in

2 any action at law brought for the recovery of money only, when the same is  
 3 brought upon any contract in writing and a copy thereof is not filed with or  
 4 embodied in the statement of claim, shall, upon demand, furnish to the defend-  
 5 ant, and the defendant, when his defense shall be founded, in whole or in part,

6 upon any contract in writing and a copy thereof is not filed with or embodied  
 7 in his specification of defense or defenses, shall, upon demand, furnish to the  
 8 plaintiff, a copy of such contract in writing and take such party's receipt  
 9 therefor, and upon default thereof shall not be permitted to introduce in evi-  
 10 dence, or otherwise make proof of, such contract in writing: *Provided, how-*  
 11 *ever,* that the party demanding such copy shall file in the municipal court an  
 12 affidavit showing that such party has no copy of such contract and shall serve  
 13 a copy of such affidavit upon the adverse party.

Sec. 190. PARTY TO PERMIT INSPECTION OF ORIGINAL CONTRACT—WHEN—PEN-  
 2 ALTY FOR REFUSAL.] A plaintiff or a defendant having in his possession or under  
 3 his control the original of any contract upon which his action or defense is  
 4 founded, shall permit the inspection thereof by the adverse party on demand  
 5 and upon his failing so to do, such adverse party may, upon application to the  
 6 court, obtain an order for such inspection and the court, upon entering such  
 7 order, if satisfied that such inspection was wrongfully and vexatiously re-  
 8 fused, may require the party so refusing to pay the opposite party the sum  
 9 of five dollars (\$5) as the costs of the making the application aforesaid and  
 10 may enforce such payment by attachment.

Sec. 191. INTERROGATORIES TO BE ANSWERED BY ADVERSE PARTY, ETC., BEFORE  
 2 TRIAL—PROCEDURE.] Before the trial or final hearing of any action at law or in  
 3 equity, other than a criminal or quasi criminal action, interrogatories may be  
 4 filed to be answered by any party to such action or any person for whose im-  
 5 mediate benefit the same is prosecuted or defended, or by the directors, officers,  
 6 superintendents or managing agents of any corporation which is a party to the  
 7 record in such action, at the instance of the adverse party, or, in case there  
 8 be more than one adverse party, at the instance of any one or more of them,  
 9 in the manner and under the circumstances and conditions hereinafter pro-  
 10 vided.

Sec. 192. AFFIDAVIT OF CAUSE OF ACTION OR DEFENSE.] No such interrog-  
 2 atories shall be filed or required to be answered by the party proposed to be  
 3 interrogated, or by the directors, officers, superintendents or managing agents  
 4 of any corporation which is a party, unless the same, if filed by the plaintiff  
 5 or one of the plaintiffs, are accompanied by an affidavit of such plaintiff, or  
 6 of his attorney or agent, upon information and belief, showing that such  
 7 plaintiff has a good cause of action and setting forth the facts constituting such  
 8 cause of action, or, if filed by the defendant or one of the defendants, unless  
 9 the same are accompanied by an affidavit of such defendant, or of his attorney  
 10 or agent, upon information and belief, showing that he has a good defense to  
 11 such action, in whole or in part, and setting forth the facts constituting such  
 12 defense: *Provided, however,* that when any party proposing to file interrog-  
 13 atories sues or defends as the trustee or conservator of an idiot, habitual  
 14 drunkard, lunatic or distracted person, or as the executor, administrator, heir,  
 15 legatee or devisee of any deceased person, or as guardian or trustee of any such  
 16 heir, legatee or devisee, no such affidavit shall be necessary if the party so  
 17 suing or defending shall, under oath, say that he has no personal knowledge  
 18 respecting the facts in such case, or some portion thereof, specifying the por-  
 19 tion, or that the answering of such interrogatories is necessary to enable such  
 20 party to properly prosecute or defend the action.

Sec. 193. WHEN INTERROGATORIES TO BE FILED AS MATTER OF COURSE.] Any  
 2 party to such action shall, before the trial or final hearing thereof, be per-  
 3 mitted, as a matter of course and without leave of court, upon complying with  
 4 the provisions of the preceding section, to file such number of interrogatories,  
 5 not exceeding twelve, as he may deem necessary, to be answered by any ad-  
 6 verse party to the action, or person for whose immediate benefit such action is  
 7 prosecuted or defended, or by the directors, officers, superintendents or manag-  
 8 ing agents of any corporation which is an adverse party to the record in such



9 action. The court may also, in its discretion, upon like compliance with the  
 10 provisions of said section permit any party to file such number of interro-  
 11 gatories exceeding twelve and not exceeding twenty-five as the court may deem  
 12 necessary to enable the party proposing to file the same to properly prosecute  
 13 or defend the action; but leave to file such number of interrogatories exceed-  
 14 ing twelve and not exceeding twenty-five shall in no case be granted unless the  
 15 party asking leave shall have served a notice in writing of his application for  
 16 such leave, together with a copy of the interrogatories proposed to be filed and  
 17 a copy of the affidavit provided for in the preceding section, before 12 o'clock  
 18 noon of the day preceding such application upon the party proposed to be in-  
 19 terrogated or upon the party whose directors, officers, superintendents or man-  
 20 aging agents are proposed to be interrogated.

Sec. 194. FORM OF INTERROGATORIES.] The first two interrogatories filed

2 in any action shall be as follows:

3 1. What is your name, age, occupation and place of residence?

4 2. Are you one of the parties to this action or person for whose immedi-  
 5 ate benefit such action is prosecuted or defended? If so, are you a party  
 6 plaintiff or a party defendant or a person for whose immediate benefit such  
 7 action is prosecuted or defended? (If the person proposed to be interrogated  
 8 is not a party to the action, or a person for whose immediate benefit such  
 9 action is prosecuted or defended, such second question shall be as follows:  
 10 are you a director, officer, superintendent or managing agent of one of the  
 11 parties to this action and, if so, of which party and what office or position  
 12 do you hold with respect to such party and how long have you held such of-  
 13 fice or position?)

14 Interrogatories after the first and second shall be directed to and for the  
 15 sole purpose of ascertaining the ultimate facts involved in such action and  
 16 such evidentiary facts as may be directly pertinent to such ultimate facts. No

17 interrogatories shall be filed other than such as the party or person proposed  
18 to be interrogated might be required to answer if called as a witness upon  
19 the trial or hearing of such action.

Sec. 195. COPIES OF INTERROGATORIES TO BE ATTACHED TO COPY OF SUMMONS.]

2 If the plaintiff shall, at the time of commencing his action, file interrogatories  
3 as above provided for, he shall prepare a copy thereof for each party proposed  
4 to be interrogated, or whose directors, officers, superintendents or managing  
5 agents are proposed to be interrogated, and shall also file the affidavit herein-  
6 before provided and prepare a copy of such affidavit for each party proposed  
7 to be interrogated, or whose directors, officers, superintendents or managing  
8 agents are proposed to be interrogated, and one copy of such interrogatories  
9 and one copy of such affidavit shall be attached to the copy of the summons  
10 to be served upon such party or corporation and such copies shall thereupon  
11 be served with such copy of the summons upon such defendant by the officer  
12 or other person by whom such summons is served.

Sec. 196. NOTICE AND COPY OF INTERROGATORIES TO BE SERVED.] A party

2 filing interrogatories without leave of court at any time after the commence-  
3 ment of the action shall give notice thereof accompanied by a copy of such  
4 interrogatories and a copy of the affidavit hereinbefore provided for to the  
5 adverse party proposed to be interrogated, or whose directors, officers, super-  
6 intendents or managing agents are proposed to be interrogated.

Sec. 197. INTERROGATORIES MAY BE SUPPRESSED WHEN.] Upon the filing of any

2 interrogatories the court may, upon the application of the party or person pro-  
3 posed to be interrogated, or upon the application of the corporation whose direc-  
4 tors, officers, superintendents or managing agents are proposed to be interrogated,  
5 and upon reasonable notice in writing to the party filing such interrogatories,

6 suppress the same or any one or more of them when, in the opinion of the  
7 court, any such interrogatory or interrogatories is or are improper.

Sec. 198. ANSWERS TO BE UNDER OATH—NOT TO BE CONCLUSIVE.] Interrog-  
2 atories filed in accordance with the preceding provisions of this section and  
3 not suppressed as hereinbefore provided shall be answered under oath by the  
4 party or person to whom the same are directed, but the party filing such inter-  
5 rogatories shall not be concluded by the answers thereto if he shall elect to  
6 introduce the same or any or either of them upon the trial or final hearing  
7 of the action.

Sec. 199. WHEN ANSWERS TO BE FILED.] Answers to the interrogatories  
2 hereinbefore provided for shall be filed within five days after the service of  
3 the same upon the party proposed to be interrogated or upon the party whose  
4 directors, officers, superintendents or managing agents are proposed to be  
5 interrogated, when the same are filed without leave of court, or within five  
6 days after the entry of the order granting leave to file the same, if they are  
7 filed by virtue of such order of court, unless the court shall extend the time for  
8 the filing of the same: *Provided, however,* that such answers need not be filed  
9 in any case until the expiration of three days after the time within which the  
10 defendant is required to file his specification of defense or defenses.

Sec. 200. INTERROGATORIES TO BE ANSWERED FULLY, ETC.—PROCEDURE.] In-  
2 terrogatories filed as hereinbefore provided for shall be answered fully, com-  
3 pletely and without evasion by the party, or by the directors, officers, superin-  
4 tendents or managing agents of the party to whom they are directed. The  
5 court, upon notice in writing to the party having answered the interrogatories  
6 or to the party whose directors, officers, superintendents or managing agents,  
7 or any one or more of them, have answered the interrogatories, may, if, in



8 the opinion of the court, any person so interrogated shall not have answered  
9 any interrogatory or interrogatories thus propounded to him fully, completely  
10 and without evasion, or if such person shall have failed to make any answer  
11 to any one or more of such interrogatories, require such person to appear in  
12 open court, or before some officer designated by the court, and there answer all  
13 such interrogatories as such person might be required to answer if called as a  
14 witness upon the hearing of such action, or as the court may deem necessary  
15 or proper for the due administration of justice in such action.

Sec. 201. ADDITIONAL INTERROGATORIES.] Leave may be given to either  
2 party to file additional interrogatories when interrogatories previously filed  
3 have been answered, if, in the opinion of the court, the answering of such  
4 additional interrogatories will tend to promote justice: *Provided, however,*  
5 that in any action at law no more than twenty-five interrogatories in all shall  
6 be allowed to be propounded to any one person.

Sec. 202. COPIES OF CASES TO BE SERVED.] Whenever answers to interro-  
2 gatories have been filed the party filing the same shall, within twenty-four  
3 hours thereafter, serve a copy thereof upon the adverse party filing such in-  
4 terrogatories, or his attorney, together with a notice in writing of the filing of  
5 such answers.

Sec. 203. INTERROGATORIES TO DIRECTORS, ETC.—HOW ANSWERED.] When in-  
2 terrogatories are filed to be answered by the directors, officers, superintendents  
3 or managing agents of a corporation which is a party to the record, it shall  
4 not be necessary for all of such directors, officers, superintendents or managing  
5 agents, in the first instance, to answer the same. but it shall be the duty of such  
6 corporation to cause suitable investigation to be made concerning the facts as  
7 to which inquiry is made by such interrogatories and to cause such interroga-  
8 tories to be answered by such of its directors, officers, superintendents or man-



aging agents, if any, as may appear to have sufficient knowledge as to such facts to properly answer such interrogatories

Sec. 204. PROCEDURE WHEN INTERROGATORIES NOT ANSWERED FULLY.] When-  
 ever the court is not satisfied that interrogatories required to be answered by  
 the directors, officers, superintendents or managing agents of a corporation have  
 been answered fully, completely and without evasion, the court may, upon  
 reasonable notice in writing to such corporation, cause such of its directors, offi-  
 cers, superintendents or managing agents, as the court may deem necessary, to  
 appear in open court, or before some officer designated by the court, and there  
 answer all such interrogatories as they might respectively be required to  
 answer if called as witnesses upon the trial or hearing of such action and as the  
 court may deem necessary or proper for the due administration of justice in  
 such action.

Sec. 205. ACTIONS FOR DEATH, ETC.—INCAPACITY OF PLAINTIFF—EXAMINATION  
 OF WITNESSES—INSPECTION OF PREMISES.] In any action at law brought by the  
 plaintiff to recover damages on account of the death of any person alleged to  
 have been caused by wrongful act, neglect or default, and in any action by any  
 husband, wife, child, parent, guardian, employer or other person as plaintiff  
 to recover damages for injuries to his or her person, or property, or means  
 of support, resulting from the death of any person, and in any action brought  
 by any person as plaintiff, who, by reason of insanity, or other physical or  
 mental disability, is incapacitated from testifying as a witness therein, to re-  
 cover damages for any injury to his person other than slander, libel or mali-  
 cious prosecution, the court, upon the application of the plaintiff in such ac-  
 tion, may, upon reasonable notice to the opposite party, cause to be taken,  
 either in open court or before any officer designated by the court, the testi-  
 mony of any defendant or of any other person who may be alleged by or on  
 behalf of the plaintiff to possess any information bearing upon the cause and

16 circumstances of the death of such deceased person, or of the injury to the  
 17 person of the plaintiff, or of the liability of any defendant on account there-  
 18 of, or permit the inspection of any machinery, buildings or premises, other  
 19 than the dwelling house of the defendant, in, upon or by means of which the  
 20 death of such deceased person, or the injury of such plaintiff, is alleged to  
 21 have occurred, under the circumstances and conditions hereinafter provided.

Sec. 206. SHOWING TO BE MADE TO OBTAIN ORDER FOR EXAMINATION.] No or-  
 2 der for the examination of any such party or witness shall be made by the  
 3 court unless it shall be made to appear to the satisfaction of the court, by the  
 4 affidavit of the plaintiff, or of his attorney or agent, or otherwise, that such  
 5 examination shall be calculated to aid in the due and speedy administration  
 6 of justice in such action and that the plaintiff, or his attorney or agent, verily  
 7 believes that such death, or injury to the person, as the case may be, was  
 8 caused by the wrongful act, neglect or default or negligence of the defendant.

Sec. 207. ORDER FOR INSPECTION OF PREMISES, ETC.] In any such case the  
 2 court may, upon the application of the plaintiff, make an order requiring any  
 3 defendant to permit the inspection by the plaintiff's attorney, and such other  
 4 persons as may be specified by the court, of any machinery, buildings or  
 5 premises, other than the dwelling house of a defendant, in, upon or by means  
 6 of which the death of such deceased person or the injury of such plaintiff is  
 7 alleged to have occurred, such inspection to be made at such reasonable time  
 8 or times and in accordance with such directions as may be prescribed by the  
 9 court.

Sec. 208. SHOWING TO BE MADE TO OBTAIN ORDER FOR INSPECTION.] No such  
 2 order for the examination of any machinery, buildings or premises shall be  
 3 made unless the court shall be satisfied by the affidavit of the plaintiff, or of  
 4 his attorney or agent, or otherwise, that such inspection is necessary in order

5 that the plaintiff may properly prepare his case for trial and that such inspec-  
 6 tion will have a tendency to aid in a just determination of the rights of the  
 7 parties to such action.

Sec. 209. NOTICE OF APPLICATION FOR ORDER.] No such order for the ex-  
 2 amination of witnesses or for the inspection of machinery, buildings or prem-  
 3 ises shall be made unless at least three days' previous notice in writing of the  
 4 application therefor shall have been served upon the defendant or defendants,  
 5 or upon his or their attorneys, and upon such application the defendant or de-  
 6 fendants may controvert the right of the plaintiff thereto by counter affida-  
 7 vits or otherwise.

Sec. 210. RIGHTS OF DEFENDANT UPON ALLOWANCE OF ORDER.] Upon the  
 2 allowance of any such order for the examination of the defendant or any  
 3 witness or for the inspection of any machinery, buildings or premises on the  
 4 application of the plaintiff, as is provided for in the preceding sections, and  
 5 upon the examination of the defendant or of any witness or witnesses, or upon  
 6 the inspection of such machinery, buildings or premises in pursuance thereof  
 7 the defendant shall be entitled, as of course, to an order for the taking of the  
 8 deposition of the plaintiff, if the plaintiff be not incapacitated from testify-  
 9 ing, and of any witness or witnesses specified by the defendant, upon the fi-  
 10 ing by the defendant, or by his attorney or agent, of an affidavit showing that  
 11 he verily believes such death or injury to the person, as the case may be,  
 12 was not caused by the wrongful act, neglect or default or negligence of the  
 13 defendant.

Sec. 211. NOTICE OF EXAMINATION OF WITNESSES.] No examination of wit-  
 2 nesses provided for in the preceding sections shall be had, unless at least five  
 3 days' notice in writing of the time and place of holding the same, with the  
 4 names of the witnesses to be examined, shall be given to each of the parties  
 5 to such action other than the party making such examination.



Sec. 212. WHEN DEPOSITIONS MAY BE READ IN EVIDENCE.] Whenever any  
2 depositions have been taken in pursuance of the provisions of the preceding  
3 sections, the depositions of any witness so taken may be read in evidence by  
4 either party upon the trial of such action, or upon the trial of any subse-  
5 quent action between the same parties or their legal representatives, upon the  
6 same cause of action, whenever, upon such trial, it shall be made to appear to  
7 the satisfaction of the court that the witness whose deposition is proposed to  
8 be read is either deceased or is a non-resident of the county in which the ac-  
9 tion is pending, or that upon diligent inquiry he cannot be found.

Sec. 213. HOW DEPOSITIONS TAKEN.] Whenever any examination of wit-  
2 nesses is had in pursuance of the provisions of the preceding sections before  
3 any master in chancery or any court stenographer authorized by this Act to  
4 take depositions, such depositions may be taken down in typewriting or steno-  
5 graphically, and, when so taken down, or taken down and transcribed, as the  
6 case may be, and certified to as correctly taken down, or taken down and  
7 transcribed, the signatures of the witnesses shall be unnecessary thereto, and  
8 such depositions shall have the same force and effect as evidence as if they  
9 had been signed by the witnesses.

Sec. 214. CLERK TO ISSUE SUBPOENAS.] Whenever any examination of wit-  
2 nesses is authorized by the court in pursuance of the provisions of the pre-  
3 ceding sections the clerk of the court, at the request of the party on whose be-  
4 half such depositions are to be taken, shall issue subpoenas for such wit-  
5 nesses, specifying the time and place and person before whom they are to  
6 appear, which subpoenas may be served in the same manner as subpoenas in  
7 other cases, and obedience thereto may be compelled by the court in the same  
8 manner as obedience to other subpoenas.

Sec. 215. INFORMATION AS TO MATTERS OF FACT—HOW OBTAINED.] Either  
2 party to any action may, in advance of the trial or hearing thereof, also ob-



tain information respecting matters of fact which it may be necessary for such party to prove upon such trial or hearing, under the circumstances and conditions hereinafter provided for.

Sec. 216. STATEMENT OF ULTIMATE FACTS EXPECTED TO BE PROVEN.] If the plaintiff, at the time he commences his action, or within such time thereafter as may be allowed by the court, or the defendant at the time he enters his appearance or within such time thereafter as may be allowed by the court, shall file a statement in writing verified by his affidavit, or that of his attorney or agent, if such attorney or agent have knowledge as to the facts, or in case such party be a corporation, by an affidavit of some officer, agent or attorney thereof having knowledge as to the facts, such verification to be either positive or upon information and belief, of facts, either ultimate or evidentiary, but not exceeding twenty-five in number, which he expects to prove upon the trial, then and in such case, unless the opposite party, or his agent or attorney, or in case such opposite party is a corporation, some officer, attorney or agent thereof having knowledge of the facts concerning such action, shall, by affidavit, either positive or upon information and belief, deny the facts set forth in such statement or some portion thereof, such facts or such portions thereof as are not denied shall upon the trial of such action, be taken as true without further proof.

Sec. 217. BY WHOM AFFIDAVIT MAY BE MADE.] When there are several parties, either plaintiff or defendant, the affidavit above provided for may be made by any one of the plaintiffs or any one of the defendants, as the case may be, or by any agent or attorney of the party making the same, or, in case any party is a corporation, such affidavit may be made by any officer, attorney or agent thereof having knowledge of the facts concerning such action.

Sec. 218. REQUISITES OF STATEMENT.] Every such statement hereinbefore provided for, after the formal part thereof, shall be divided into paragraphs

|   |              |                       |
|---|--------------|-----------------------|
| 8 | John Doe     | } Contract. No. 1000. |
|   | v.           |                       |
| 9 | Richard Roe. |                       |

11 John Doe, plaintiff in the above entitled action, being duly sworn, upon  
12 information and belief says that upon the trial of the above entitled action he  
13 expects to prove the following facts:

18 JOHN DOE.

20 JOHN SMITH, *Clerk.*

7 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|   |              |                       |
|---|--------------|-----------------------|
| 8 | John Doe     | } Contract. No. 6000. |
|   | v.           |                       |
| 9 | Richard Roe. |                       |

11 Richard Roe, the defendant in the above entitled action, being duly sworn,  
12 upon information and belief denies the facts, numbered 3, 4, 5, 6 and 7 set

13 forth in the statement filed herein by the plaintiff and in explanation of his de-  
 14 nial of such fact No. 5 the defendant says (here give explanation).

15 RICHARD ROE.

16 Subscribed and sworn to before me this 4th day of March, 1908.

17 JOHN SMITH, *Clerk*.

Sec. 220. COPY TO BE ATTACHED TO SUMMONS WHEN.] If any such statement  
 2 is filed by the plaintiff at the time he commences his action a copy thereof  
 3 shall be attached to the copy of the summons served upon the defendant. If  
 4 any such statement, or reply to any such statement, is filed by either party after  
 5 the commencement of the action a copy thereof shall, immediately upon the  
 6 filing of the same, be served upon the opposite party.

Sec. 221. TIME FOR FILING DENIAL.] If any such statement is filed by the  
 2 opposite party, if he elects to deny the same or any portion thereof, shall do  
 3 so within five days after he shall have been served with a copy of such state-  
 4 ment, or within such further time as may be allowed by the court therefor:  
 5 *Provided, however,* that no defendant shall be required to file any such denial  
 6 prior to the date on which he is required to file the specification of his de-  
 7 fense or defenses.

Sec. 222. FACTS MAY BE READ IN EVIDENCE WHEN.] When any such state-  
 2 ment is filed the party filing the same may, upon the trial or hearing of the  
 3 action, read in evidence as facts admitted such of the facts therein set forth  
 4 as are not denied by the opposite party, as hereinbefore provided, and may,  
 5 in his discretion, read in evidence the opposite party's explanation of the de-  
 6 nial of any such fact.

Sec. 223. OF WHAT MUNICIPAL COURT TAKES JUDICIAL NOTICE.] The muni-  
 2 cipal court shall take judicial notice of all matters of which courts of general  
 3 jurisdiction of this State shall be from time to time required by law to take  
 4 judicial notice and also of the following:

5       *First*—GENERAL MUNICIPAL ORDINANCES.] All general ordinances of the city  
6 of Chicago and all general ordinances of every municipal corporation situ-  
7 ated in whole or in part within the limits of the city of Chicago, and all ordi-  
8 nances of any municipal corporation remaining in force after the annexation  
9 of the territory of such municipal corporation in whole or in part to the city  
10 of Chicago.

11       *Second*—LAWS OF OTHER STATES AND TERRITORIES.] All laws of a public na-  
12 ture enacted by any state or territory of the United States.

13       *Third*—NAMES AND LOCATIONS OF STREETS.] The names and locations of all  
14 streets within the city of Chicago.

15       *Fourth*—DECISIONS OF UNITED STATES COURTS AND COURTS OF OTHER STATES.]  
16 The decisions of the Supreme Court, Circuit Court of Appeals, Circuit Courts  
17 and District Courts of the United States, the Interstate Commerce Commis-  
18 sion of the United States, the Supreme Court and Appellate Courts of this  
19 State, and of the courts of appellate jurisdiction of all other states and of  
20 the territories of the United States, when the same are published in printed  
21 form in books of reports purporting to contain such decisions.

22       *Fifth*—NAMES AND LOCATIONS OF PUBLIC BUILDINGS.] The names and loca-  
23 tions of all public buildings situated within the city of Chicago. The term  
24 “public buildings,” as used in this section, shall include all buildings owned,  
25 used or occupied for public purposes or under the patronage and control of  
26 the United States or of this State, or of Cook county, or of the city of Chi-  
27 cago, or other municipal corporation situated in whole or in part within the  
28 territorial limits of the city of Chicago, and all buildings within the limits of  
29 the city of Chicago used exclusively for church purposes.

30       *Sixth*—NAMES AND LOCATIONS OF BUSINESS BUILDINGS.] The names and loca-  
31 tions of all buildings within the city of Chicago used for business purposes  
32 which are commonly known and described by their names.



Sec. 224. ADVERSE PARTY, DIRECTORS, ETC., EXAMINED AS IF UNDER CROSS-EXAM-

INATION — WHEN RE-EXAMINATION ALLOWED.] Any party to any civil action or proceeding, may compel any adverse party or person for whose benefit such action or proceeding is brought or the directors, officers, superintendents or managing agents of any corporation which is an adverse party to the record in such action, to testify as a witness or witnesses at the trial or hearing of such action, or by depositions taken as other depositions are by law required to be taken, as if under cross-examination, and for that purpose such adverse party or the directors, officers, superintendents or managing agents of a corporation which is an adverse party to the record, may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify; but the party calling for such examination shall not be concluded thereby, but may rebut the testimony thus given by counter testimony. In case such cross-examination is had by the taking of a deposition, such adverse party may, as a part of the same deposition, be re-examined in his own behalf, or such directors, officers, superintendents or managing agents may be re-examined in behalf of the corporation of whom they are such directors, officers, superintendents or managing agents. In case such cross-examination is had in open court, no such re-examination shall be allowed, but such adverse party may thereafter be called as a witness in his own behalf, or such directors, officers, superintendents or managing agents may be called and examined as witnesses in behalf of such corporation.

Sec. 225. CALLING OF WITNESS NOT TO GIVE CREDIT—HOW CREDIT OF WITNESS

DETERMINED — CROSS-EXAMINATION NOT TO BE LIMITED—LEADING QUESTIONS — ANSWERS NOT RESPONSIVE.] No party calling or examining any witness upon the trial or hearing, or at the taking of a deposition to be read in evidence upon the trial or hearing, of any action or proceeding at law or in equity, shall be held to give credit to, or be in any manner bound by, the testimony of such

7 witness to any greater extent than if such witness had been called or exam-  
 8 ined by the adverse party; but the testimony given by every witness called  
 9 or examined as aforesaid shall be given such credit and such credit only as  
 10 the court, if the case be tried by the court without a jury, or the jury, if the  
 11 case be tried by jury, shall, under all the circumstances disclosed by the evi-  
 12 dence, deem such testimony justly entitled to. When any party shall call and  
 13 examine any witness the opposite party shall be at liberty during the cross-  
 14 examination, to examine such witness upon all matters bearing upon the is-  
 15 sues between the parties, regardless of whether the witness shall have testi-  
 16 fied regarding such matters upon his direct examination. The right of any  
 17 party to propound leading questions to any witness shall not be dependent  
 18 upon which party shall have first called upon the witness to testify, but shall  
 19 be determined by the presiding judge, if such witness testifies in open court,  
 20 from the appearance of the witness upon the witness stand, his manner of testi-  
 21 fying and all the circumstances disclosed by the evidence, or, if such testimony  
 22 is given by deposition, it shall be determined by the presiding judge from the  
 23 deposition itself. No testimony given by any witness, when such testimony is  
 24 competent evidence under the issues in the action in which the same is given,  
 25 shall be rejected, stricken out or deemed incompetent because of the answer  
 26 or answers of such witness not being responsive to the question or questions  
 27 propounded to him.

Sec. 226. EVIDENCE IN REPORT OF PROCEEDINGS IN TRIAL BY COURT TO BE COM-

2 PETENT UPON NEW TRIAL OR HEARING.] Whenever, in any action at law or in  
 3 equity tried by the court without a jury, in which the evidence heard by the  
 4 court is preserved in a report of the proceedings settled and signed by the  
 5 presiding judge, the judgment or decree of the court is, upon appeal or writ  
 6 of error, reversed and the cause remanded to the municipal court for a new  
 7 trial or hearing, entitling either of the parties to the introduction of evidence.

8 the evidence preserved in such report shall, as a matter of course, and without  
 9 any order of court therefor, be deemed and taken as a part of the evidence  
 10 introduced upon such new trial or hearing, and the respective parties shall  
 11 be at liberty to supplement the same by such further evidence as they may  
 12 deem necessary or proper and as may be competent and material, and either  
 13 party shall be at liberty to subpoena and require the attendance of any wit-  
 14 ness attending on the former trial for the purpose of further examination or  
 15 cross-examination. In case, after such new trial or hearing, either party shall  
 16 require the settlement and signature by the presiding judge of a report of the  
 17 proceedings, such report shall contain no portion of the evidence or other pro-  
 18 ceedings contained in the former report, but such former report shall, as a  
 19 matter of course, and without any order of court, be treated and considered  
 20 as a part of the record, for the purposes of a subsequent appeal or writ  
 21 of error.

Sec. 227. EVIDENCE IN REPORT OF PROCEEDINGS IN TRIAL BY JURY MAY BE  
 2 READ UPON NEW TRIAL.] Whenever, in any action at law or in equity tried by  
 3 jury, in which the evidence introduced upon such trial is preserved in a report  
 4 of the proceedings settled and signed by the presiding judge, the judgment  
 5 decree entered in such action is, upon appeal or writ of error, reversed and  
 6 the cause remanded for a new trial by jury, both parties to the action,  
 7 whether such new trial shall be by jury or without a jury, shall be at liberty  
 8 to read from such report of the proceedings of the former trial the testimony  
 9 of any witness, who testified upon such former trial in lieu of recalling and  
 10 examining such witness.

Sec. 228. FOR WHAT PURPOSE PERSON MAY INTERVENE.] Any person not a  
 2 party to an action at law may intervene therein for the purpose of asserting  
 3 an interest in or title to the property, or some portion thereof, in controversy  
 4 therein, or which may have been seized or otherwise taken possession of



5 under any writ of attachment or distress warrant issued in such action, or by  
 6 virtue of any order of court entered therein or by any receiver appointed  
 7 therein.

Sec. 229. INTERVENTION FOR PURPOSE OF ASSERTING INTEREST IN PROPERTY IN  
 2 CONTROVERSY—FORMS.] When such intervention is for the purpose of asserting  
 3 an interest in or title to the property, or some portion thereof, in controversy  
 4 in such action at law, such intervention shall be accomplished by the filing in  
 5 such action, by leave of the court, of a statement of the intervener's claim,  
 6 verified by the affidavit of the intervener, his agent or attorney, that the claim  
 7 is asserted by him in good faith and that he believes the same to be well  
 8 founded. Such statement shall specify the court in which the action is pend-  
 9 ing, and the title, classification and number of the action, and shall set forth  
 10 the plaintiff's claim, describing the property claimed and the interest claimed  
 11 by the intervener. The following forms of statements of intervener's claims  
 12 and affidavits accompanying the same under this section, shall be deemed suf-  
 13 ficient and shall be taken as furnishing suggestions from which other state-  
 14 ments and affidavits may be properly framed:

15 1. STATEMENT OF INTERVENER'S CLAIM IN REPLEVIN.

16 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

17 John Doe  
       v.  
 18 Richard Roe. } Replevin. No. 48.

19 STATEMENT OF INTERVENOR'S CLAIM.

20 Henry Thomas of Cook county, Illinois, claims he is the owner and is en-  
 21 titled to the possession of one bay horse with a white star in the forehead.  
 22 being a part of the property replevied and in controversy in the above entitled  
 23 action.

HENRY THOMAS,

By WILLIAM SMITH,

*His Attorney.*

24  
 25  
 26 (Here add affidavit as in first form.)



## 2. CLAIM OF SHERIFF AS INTERVENER IS ACTION OF REPLEVIN.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                   |
|--------------|---|-------------------|
| John Doe     | } | Replevin. No. 48. |
| v.           |   |                   |
| Richard Roe. |   |                   |

## STATEMENT OF INTERVENER'S CLAIM.

Henry Thomas, as sheriff of Cook county, Illinois, claims to be entitled to the possession of the property in controversy in the above entitled action by virtue of an execution issued out of said circuit court of Cook county, and delivered to him on February 8, 1908, upon a judgment for eight hundred dollars (\$800) and costs of the action in favor of John Brown and against Richard Roe.

HENRY THOMAS,

By WILLIAM SMITH,

*His Attorney.*

(Here add affidavit as in first form.)

## 3. INTERVENER'S CLAIM IN ACTION ON CONTRACT.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                   |
|--------------|---|-------------------|
| John Doe     | } | Contract. No. 26. |
| v.           |   |                   |
| Richard Roe. |   |                   |

## STATEMENT OF INTERVENER'S CLAIM.

Henry Thomas, of Cook county, Illinois, claims to be the owner of and to be entitled to recover from the defendant, Richard Roe, the amount of the promissory note upon which the above entitled action is brought, to-wit: a promissory note for the sum of five hundred dollars (\$500), dated December 1, 1907, made by said Richard Roe and payable to the order of William Smith one year after date with interest at six per cent per annum and by said William Smith endorsed.

HENRY THOMAS,

By WILLIAM SMITH,

*His Attorney.*

(Here add affidavit as in first form.)

Sec. 230. NOTICE OF APPLICATION—PROCEDURE—FORM. | The party desiring to

intervene for the purpose aforesaid shall give to the other parties to the action

notice in writing of his application therefor, together with a copy of the statement of claim and of the affidavit verifying the same proposed to be filed, at least one day prior thereto, and, upon leave being granted by the court to file the same and upon the same being filed, the statement of claim or other papers filed by the plaintiff, and the specification of defense or defenses or other papers, if any, filed by the defendant, shall stand and be treated as the specification or specifications of defense or defenses of the plaintiff and the defendant respectively, to said statement of intervener's claim. The following form of notice shall be deemed sufficient and shall be taken as furnishing suggestions from which other notices may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                   |
|--------------|---|-------------------|
| John Doe     | } | Replevin. No. 48. |
| v.           |   |                   |
| Richard Roe. |   |                   |

NOTICE OF INTERVENTION.

To the parties to the above entitled action:

You are hereby notified that at ten o'clock, a. m., on Thursday, the 12th day of February, 1908, I shall move the court before Hon. John Jones, Judge, for leave to file an intervener's claim, of which a copy is herewith served, in the above entitled action.

HENRY THOMAS,

By WILLIAM SMITH,

*His Attorney.*

Sec 231. TRIAL OF ISSUES.] Unless otherwise ordered by the court the issues upon such intervener's claim shall be tried with the other issues in the action, by the court without a jury, if neither the plaintiff nor the defendant in the action shall have filed a demand in writing of a trial by jury, or by a jury, if either of said parties shall have filed such demand in writing of a trial by jury.

Sec. 232. SEPARATE TRIAL MAY BE GRANTED.] The court may, for good cause  
 2 shown, direct that the issues upon the statement of the intervener's claim be  
 3 tried separately from the trial of the issues between the plaintiff and the de-  
 4 fendant in the action.

Sec. 233. JUDGMENT.] Upon the determination of the issues upon such  
 2 statement of the intervener's claim, the court shall render such judgment in the  
 3 premises as the verdict of the jury or the finding of the court, as the case may  
 4 be, may require.

Sec. 234. INTERVENTION TO ASSERT TITLE TO PROPERTY LEVIED ON.] When  
 2 such intervention is for the purpose of asserting an interest in or title to the  
 3 property, or some portion thereof, seized or otherwise taken possession of under  
 4 any writ of attachment or distress warrant issued in such action, or by virtue  
 5 of any order of court entered therein, or by any receiver appointed therein,  
 6 such intervention shall be accomplished by the filing in such action, by leave of  
 7 court, of a petition verified by affidavit of the petitioner, his agent or attorney,  
 8 that the same is true in substance and in fact. Such petition shall specify the  
 9 court in which the action is pending, and the title, classification and number of  
 10 the action and shall set forth a description of the property claimed and the  
 11 interest in or title thereto claimed by the intervener. The following form of  
 12 petition shall be deemed sufficient and shall be taken as furnishing suggestions  
 13 from which other petitions may be properly framed:

14 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

15 John Doe  
 16 v. Richard Roe. } Attachment. No. 49.

17 INTERVENER'S PETITION.

18 The petitioner, Henry Thomas, of Cook county, Illinois, says that he is the  
 19 owner and entitled to the possession of one bay horse with a white star in the

20 forehead, which horse was levied upon by the sheriff under the writ of attach-  
 21 ment issued in the above entitled action and is now held by said sheriff under  
 22 said levy.

23 Wherefore petitioner prays for an order for the delivery of said horse to the  
 24 petitioner.

25 HENRY THOMAS,  
 26 By WILLIAM SMITH,  
 27 *His Attorney.*

28 Henry Thomas on his oath says that he is the petitioner in the foregoing  
 29 petition and that the matters and things therein set forth are true in substance  
 30 and in fact.

31 HENRY THOMAS.

32 Subscribed and sworn to before me this 10th day of February, 1908.

33 JOHN SMITH, *Clerk.*

Sec. 235. NOTICE—PROCEDURE—ORDER—FORMS.] The party desiring to file  
 2 such petition shall give to the other parties to the action notice in writing of his  
 3 application therefor, together with a copy of the petition and of the affidavit  
 4 verifying the same proposed to be filed, at least one day prior thereto, and  
 5 upon leave being granted by the court to file the same, the court, if the facts  
 6 set forth in the petition are admitted by all the parties to the action, shall enter  
 7 such order as such facts may require, or, if the facts set forth in the petition  
 8 are not admitted by all the parties to the action, shall proceed to hear the evi-  
 9 dence offered in support of and in opposition to such petition and shall make  
 10 such order with respect to the interest in or title to the property claimed by  
 11 the intervener as the facts found by the court may require: *Provided, how-*  
 12 *ever,* that if either of the parties to the action shall have filed a demand in  
 13 writing of a trial by jury, the issues upon such petition may, at the election of  
 14 such party, be tried by a jury. The following forms of orders provided for in  
 15 this section shall be deemed sufficient and shall be taken as furnishing sugges-  
 16 tions from which other orders may be properly framed:



17            1. ORDER DISMISSING INTERVENING PETITION.

18 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |   |                                |
|-----------------|---|--------------------------------|
| 19. John Doe    | } | Attachment. No. 49.            |
| v.              |   | February 17, 1908.             |
| 20 Richard Roe. |   | Before Hon. John Jones, Judge. |

21 This day the court, having jurisdiction of the subject-matter of this action  
22 and of the intervenor's petition herein and of the person of the defendant by  
23 service of summons, hears the proofs upon the intervenor's petition of Henry  
24 Thomas in open court and thereupon upon consideration thereof the court  
25 doth order that the said intervenor's petition be and the same is hereby dis-  
26 missed and that the plaintiff have and recover of said Henry Thomas his costs  
27 herein to be taxed.

28      2. ORDER GRANTING RELIEF UPON INTERVENER'S PETITION.

29 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

30 John Doe } Attachment. No. 49.  
v. } February 17, 1908.  
31 Richard Roe. } Before Hon. John Jones, Judge.

32        This day the court, having jurisdiction of the subject-matter of this action  
33    and of the intervener's petition herein and of the person of the defendant by  
34    service of summons, hears the proofs upon the intervener's petition of Henry  
35    Thomas in open court and thereupon, upon consideration thereof, the court  
36    doth order that said intervening petitioner Henry Thomas have and recover  
37    possession of the one bay horse with a white star in the forehead mentioned in  
38    the intervener's petition, and that the same be delivered to him by the sheriff  
39    of Cook county, and that said intervener, Henry Thomas, have and recover of  
40    the plaintiff, John Doe, his costs of the action.

Sec. 236. WHEN GARNISHEE MAY BE SUMMONED.] When the plaintiff in any  
2 action of attachment shall believe that any person or corporation is indebted to  
3 the defendant, or has any effects or estate of such defendant in his posses-  
4 sion, custody or charge, the plaintiff may cause such person or corporation to  
5 be summoned as a garnishee in the manner hereinbefore provided.

2 When any person is summoned as a garnishee he shall appear at or before the

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11 John Doe  
v.  
12 Richard Roe

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4 interrogatories, on or before the day specified therefor in this Act, or when,  
 5 upon the filing by such garnishee of his appearance, together with his answers  
 6 to the interrogatories, the plaintiff is of the opinion that such garnishee has  
 7 not truly discovered the lands, tenements, goods, chattels, moneys, choses in  
 8 action, credits and effects of the defendant in the attachment, the plaintiff in  
 9 the attachment may, after he shall have obtained a judgment in such action  
 10 against the defendant, apply by petition to the court for and obtain a citation  
 11 to such garnishee requiring him to appear before the court, or before some  
 12 officer thereof, at a time and place to be specified in such citation, and be ex-  
 13 amined under oath concerning such debtor's property, and thereupon such pro-  
 14 ceedings may be had, as near as may be, as are hereinafter provided with re-  
 15 spect to a citation to a person other than the judgment debtor issued in a sup-  
 16 plementary proceeding after the entry of a judgment and upon the return,  
 17 wholly or partly unsatisfied, of an execution issued thereon. The petition for  
 18 a citation and the citation provided for in this section may be in substantially  
 19 the following form:

20 1. PETITION FOR CITATION TO GARNISHEE.

21 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

22 John Doe        }  
                   v.        } Attachment. No. 25.  
 23 Richard Roe.    }

24 PETITION FOR CITATION TO GARNISHEE.

25 The plaintiff says:

26 1. That on the 10th day of February, 1908, he recovered a judgment in  
 27 said municipal court in the above entitled action for the sum of five hundred  
 28 dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

29 2. That the amount due plaintiff on said judgment, exclusive of interest  
 30 and costs, is five hundred dollars (\$500).

31 3. That Henry Jones, the garnishee herein, did, on the 25th day of Feb-  
 32 ruary, 1908, as such garnishee, file his answers to the interrogatories herein.

33 4. That plaintiff is of the opinion that said garnishee, Henry Jones, has



34 not truly discovered the lands, tenements, goods, chattels, money, choses in  
35 action, credits and effects of the defendant in this action.

36 Wherefore plaintiff prays for a citation to said garnishee, Henry Jones,  
37 requiring his appearance for examination at 10 o'clock A. M. on Tuesday, the  
38 first day of June, 1908.

39 JOHN DOE,  
40 By THOMAS JONES,  
41 Plaintiff's Attorney.

42 John Doe, on his oath, says that he is the plaintiff in the above petition,  
43 that he has read the same and knows the contents thereof, and that the mat-  
44 ters and things therein alleged are true in substance and in fact.

45 JOHN DOE.

46 Subscribed and sworn to before me this 25th day of May, 1908.

47 JOHN SMITH, *Clerk.*

48 2. CITATION TO GARNISHEE.

49 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

50 John Doe  
51 v. Richard Roe. } Attachment. No. 25.

52 CITATION TO GARNISHEE.

53 The People of the State of Illinois—GREETING to Henry Jones:

54 We hereby command you to personally be and appear before the municipi-  
55 pal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, at 10 o'clock  
56 A. M. on Tuesday, the first day of June, 1908, to be examined under oath as  
57 garnishee in an action of attachment wherein John Doe is plaintiff and Rich-  
58 ard Roe is defendant concerning the lands, tenements, goods, chattels, moneys.  
59 choses in action, credits and effects of said Richard Roe, which may be in your  
60 possession, custody or charge.

61 Witness John Smith, clerk of said municipal court and  
62 the seal thereof, at Chicago, Illinois, this 25th day  
63 of May, 1908.

64 JOHN SMITH, *Clerk.*

Sec. 239. ACTION AGAINST GARNISHEE.] The plaintiff in the action of at-  
2 tachment shall also have the right in lieu of procuring a citation, as provided  
3 in this section, in case he shall be of opinion that the garnishee is indebted



4 to the defendant in the attachment in a sum exceeding the amount exempt by  
 5 law from garnishment, to cause an action to be instituted in the name of the  
 6 defendant in the action of attachment, as plaintiff, for the use of the plaintiff  
 7 in the attachment action against such garnishee, as defendant, for the recovery  
 8 of such indebtedness. But no such citation shall be issued against the garnishee  
 9 until the plaintiff in the action of attachment shall first have obtained judg-  
 10 ment against the defendant in such action of attachment.

Sec. 240. JUDGMENT ON ANSWER OF GARNISHEE.] When it shall appear from  
 2 the answer of any garnishee that he is indebted to the defendant in the action  
 3 of attachment the plaintiff in the action of attachment may cause judgment  
 4 to be entered in the name of the defendant in the attachment for the use of  
 5 the plaintiff in the attachment and against such garnishee for the amount of  
 6 the indebtedness so disclosed, but no such judgment shall be entered until the  
 7 plaintiff in the action of attachment shall first have obtained judgment in  
 8 such action against the defendant. Such judgment may be in substantially  
 9 the following form:

Sec. 241. FORM OF JUDGMENT.] The judgment provided for in the preced-  
 2 ing section may be in substantially the following form:

3 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                |                                  |
|----------------|----------------------------------|
| 4 John Doe     | } Attachment. No. 27.            |
| 5 v.           |                                  |
| 5 Richard Roe. |                                  |
|                | } June 2, 1908.                  |
|                | } Before Hon. John Jones, Judge. |

6 This day the court, having jurisdiction of the subject-matter of this action  
 7 and of the person of the defendant by service of summons and the appearance  
 8 of the defendant, and of the person of the garnishee, Henry Jones, by service  
 9 of garnishee summons and the appearance of said garnishee, it is considered  
 10 by the court, in accordance with the answer of said garnishee, that the de-  
 11 fendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover  
 12 of the garnishee, Henry Jones, the sum of two hundred dollars (\$200), less the  
 13 costs of the said garnishee, Henry Jones, to be taxed herein by the clerk. the

14 amount so recovered, when paid, to be applied upon the judgment herein in  
 15 favor of the plaintiff and against the defendant, so far as may be necessary  
 16 for the payment of the said judgment and the balance, if any, to be paid to the  
 17 defendant, Richard Roe.

18 NOTE.

19 In case the judgment of an intervener is to be paid out of the amount paid  
 20 by the garnishee, the foregoing form may be changed so that after the words  
 21 "to be applied" it will read as follows, "first, upon the judgment herein in  
 22 favor of the plaintiff and against the defendant; second, upon the judgment  
 23 in favor of the intervener, George Thomas, and third, the balance, if any, to  
 24 the defendant."

25 In case the amount paid by the garnishee is to be divided pro rata among  
 26 a number of judgment creditors or other claimants, said form may be varied  
 27 from accordingly.

Sec. 242. DEFAULT AGAINST GARNISHEE—JUDGMENT—FORM.] When any gar-  
 2 nishee, having been duly served with a garnishee summons and a copy of the  
 3 interrogatories, fails to file his appearance together with an answer to such  
 4 interrogatories on or before the day specified therefor in this Act the plaint-  
 5 iff, in lieu of applying to the court for a citation as hereinbefore provided to  
 6 such garnishee, shall be entitled, at his election, to the entry of a default  
 7 against such garnishee. Upon such default being entered the court shall hear  
 8 the evidence offered by the plaintiff and enter judgment against the garnishee  
 9 for such amount, if any, as may appear from the evidence to be due from such  
 10 garnishee to the defendant in the attachment, but no such judgment shall be  
 11 entered until the plaintiff in the action of attachment shall first have obtained  
 12 judgment in such action against the defendant. The moneys collected upon  
 13 any such judgment shall be applied, first, to the payment of the costs and ex-  
 14 penses of the action, including attorney's fees; second, to the payment of the  
 15 judgment in favor of the plaintiff; third, to the payment of the judgments of  
 16 intervening creditors, if any, and fourth, the balance to the defendant: *Pro-*

17 *vided, however, that when, in accordance with the provisions of this Act, there*  
18 *are several judgment creditors entitled to participate pro rata in the moneys*  
19 *so collected the same, after the payment of the costs and expenses of the*  
20 *action, including attorney's fees, shall be divided accordingly. Such judgment*  
21 *may be in substantially the following form:*

22                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

23 John Doe            }  
24        v.                }  
25 Richard Roe.        } Attachment. No. 27.  
                              June 21, 1908.  
                              Before Hon. John Jones, Judge.

26       This day the court, having jurisdiction of the subject-matter of this action  
27 and of the person of the defendant by service of summons and the appearance  
28 of the defendant and of the person of the garnishee, Henry Jones, by serv-  
29 ice of the garnishee summons, and the said garnishee, Henry Jones, having  
30 been defaulted and the damages having been duly assessed by the court, it is  
31 considered by the court in accordance with such default and assessment of  
32 damages that the defendant, Richard Roe, for the use of the plaintiff, John  
33 Doe, have and recover of said Henry Jones, garnishee, the sum of five hun-  
34 dred dollars (\$500), the amount so recovered, when paid, to be applied, first,  
35 to the payment of the costs and expenses of the proceedings against the said  
36 garnishee, including attorney's fees, which costs and expenses, including attor-  
37 ney's fees, are taxed at twenty-five dollars (\$25); second, to the payment of  
38 the judgment in favor of the plaintiff and against the defendant herein; third,  
39 to the payment of the judgment of the intervener, George Thomas, and fourth,  
the balance to the defendant.

40                   NOTE.

41       When there is no judgment in favor of an intervener or when there is  
42 required to be a pro rata distribution of the moneys collected among several  
43 judgment creditors, said form may be varied from accordingly.

      Sec. 243. APPEARANCE OF OR NOTICE TO THIRD PERSON—FORM.] If it shall  
2 appear to the court that any goods, chattels, choses in action, credits or  
3 effects in the hands of a garnishee in any action of attachment are claimed  
4 by any other person by force of an assignment from the defendant or other-



5 wise, the court, if such person voluntarily appears, shall permit him to inter-  
6 vene in the action and maintain his right to such goods, chattels, choses in  
7 action, credits or effects. If such person does not voluntarily appear, either  
8 party may cause notice to be served upon such person to appear and intervene  
9 in the action and assert his claim. Such notice shall specify the court in  
10 which the action is pending, the title, classification and number of the action  
11 and shall notify such person to appear on some Monday not less than five nor  
12 more than twenty days after the date of the notice and shall set forth a de-  
13 scription of the property in the hands of the garnishee. It shall be served  
14 upon such person in the manner in this Act provided for the service of a  
15 summons at least five days prior to the day fixed therein for the appear-  
16 ance of such person. Such notice may be in substantially the following  
17 form:

18                  IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

---

|    |              |                       |
|----|--------------|-----------------------|
| 19 | John Doe     | } Attachment. No. 25. |
|    | v.           |                       |
| 20 | Richard Roe. |                       |

21 NOTICE TO APPEAR AND ASSERT CLAIM.

22 To George Thomas:

23 . You are hereby notified to appear in person or by attorney before the  
24 municipal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, on  
25 Monday, the 25th day of March, 1908, and assert whatever claim you may  
26 have to certain property in the hands of Henry Jones, garnishee in the above  
27 entitled action, to-wit: a promissory note for the sum of five hundred dollars  
28 (\$500), dated December 1, 1906, made by William Smith and payable to the  
29 order of the defendant, Richard Roe, one year after date with interest at 6  
30 per cent per annum and by said defendant, Richard Roe, endorsed.

31 JOHN DOE,  
32 By WILLIAM SMITH,  
33 *Plaintiff's Attorney.*

Sec. 244. DEFAULT OF PERSON NOTIFIED—APPEARANCE—FORM.] If the per-  
 2 son notified fails to appear after having been served with the notice provided



3 for in the preceding section a default may be entered against him and he shall  
4 thereby be concluded by the judgment in regard to his claim. If the person so  
5 notified appears he shall file his appearance in writing, together with a state-  
6 ment of his claim, and such claim shall be determined with the other issues in  
7 the action in such manner as the court may direct. If such notice is served  
8 five days or more prior to the day fixed therein for the appearance of such  
9 person, he shall be bound to enter his appearance on or before the Thursday  
10 succeeding such day, but if such notice is served less than five days prior to  
11 the day fixed for his appearance, he shall not be bound to enter his appear-  
12 ance until on or before the first Monday succeeding the day so fixed. The ap-  
13 pearance and statement of claim in this section provided for may be in sub-  
14 stantially the following form:

15 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                       |
|----|--------------|-----------------------|
| 16 | John Doe     | } Attachment. No. 25. |
|    | v.           |                       |
| 17 | Richard Roe. |                       |

18                                  APPEARANCE OF INTERVENER.

19 George Thomas hereby enters his appearance as intervener herein.

20 GEORGE THOMAS,  
21 By JAMES BROWN,  
22 *His Attorney,*  
23 927 Monadnock Bldg., Chicago.

24 STATEMENT OF INTERVENER'S CLAIM.

George Thomas, of Cook county, Illinois, claims he is the owner of and is entitled to recover possession of the following property in the hands of Henry Jones, garnishee in the above entitled action, to-wit: a promissory note for the sum of five hundred dollars (\$500), dated December 1, 1906, made by William Smith, and payable to the order of the defendant, Richard Roe, one year after date with interest at 6 per cent per annum and by the defendant, Richard Roe, indorsed.

32 GEORGE THOMAS,  
33 By JAMES BROWN,  
34 *His Attorney.*

35 George Thomas, on his oath, says that the foregoing claim is asserted by  
36 him in good faith and that he believes the same is well founded.

37 GEORGE THOMAS.

38 Subscribed and sworn to before me this 25th day of March, 1908.

39 JOHN SMITH, *Clerk.*

Sec. 245. WHAT GARNISHEE MAY RETAIN.] Every garnishee shall be allowed  
2 to retain or deduct out of the property, effects or credits in his hands all de-  
3 mands against the plaintiff and all demands against the defendant of which he  
4 could have availed himself if he had not been summoned as garnishee, whether  
5 the same are at the time due or not, and whether by way of set-off on a trial  
6 or by the set-off of judgments or executions between himself and the plaintiff  
7 and defendant severally, and he shall be liable for the balance only after all  
8 mutual demands between himself and the plaintiff and the defendant are ad-  
9 justed, not including unliquidated damages for wrongs and injuries: *Provided*,  
10 that the verdict or finding as well as the record of the judgment shall show  
11 in all cases against which party any set-off shall be allowed, if any such shall  
12 be allowed, and the amount thereof.

Sec. 246. WHEN GARNISHEE NOT LIABLE ON NEGOTIABLE INSTRUMENT.] No  
2 person shall be liable as a garnishee by reason of having drawn, accepted,  
3 made or endorsed any negotiable instrument, when the same is not due, in  
4 the hands of the defendant at the time of service of the garnishee summons  
5 or the rendition of the judgment.

• Sec. 247. TO WHAT EXTENT JUDGMENT WILL ACQUIT GARNISHEE.] The judg-  
2 ment against a garnishee shall acquit him from all demands by the defendant  
3 for all goods, effects and credits paid, delivered or accounted for by the gar-  
4 nishee by force of such judgment.

Sec. 248. DISCHARGE OF GARNISHEE NO BAR.] If any person summoned as  
2 garnishee is discharged the judgment shall be no bar to an action brought  
3 against him by the defendant for the same demand.

Sec. 249. PROCEEDINGS AGAINST EXECUTORS, ETC., OF GARNISHEE.] In case of  
 2 the death of a person served as garnishee his executor or administrator may  
 3 be made a party and notified, unless his appearance is entered as in the case  
 4 of the death of a defendant, and the action may proceed against him as per-  
 5 sonal representative of the deceased.

Sec. 250. NO EXECUTION AGAINST GARNISHEE UNTIL DEBT DUE.] When the  
 2 judgment is rendered against any garnishee and it shall appear that the debt  
 3 due him from the defendant is not yet due, execution shall not issue against  
 4 him until twenty days after the same shall become due, unless the party ask-  
 5 ing the same or his agent shall make oath that he believes the debt will be  
 6 lost unless execution issue forthwith, in which case execution shall issue as soon  
 7 as said debt to defendant is due; but no sale of property under such execu-  
 8 tion shall take place until after the expiration of twenty days after the  
 9 date of judgment.

Sec. 251. GARNISHEE TO DELIVER GOODS TO SHERIFF—APPLICATION OF PRO-  
 2 CEEDS.] When any garnishee has any goods, chattels, choses in action or effects  
 3 other than money belonging to the defendant, or which he is bound to deliver  
 4 to him, he shall deliver the same, or so much thereof as may be necessary, to  
 5 the officer who shall hold the execution in favor of the plaintiff in the attach-  
 6 ment action, and the same shall be sold by the officer and the proceeds applied  
 7 and accounted for in the same manner as other goods and chattels taken on  
 8 execution.

Sec. 252. PROCEDURE AS TO PROPERTY PLEDGED.] When it shall appear that  
 2 such goods, chattels, choses in action or effects in the hands of a garnishee  
 3 are mortgaged or pledged or in any way liable for the payment of a debt to  
 4 him the plaintiff may be allowed, under an order of the court for that purpose,  
 5 to pay or tender the amount due to the garnishee and he shall thereupon de-



6 liver the goods, chattels, choses in action and effects, in the manner hereinbe-  
7 fore provided, to the officer who holds the execution.

Sec. 253. PROPERTY HELD AS SECURITY OTHER THAN FOR PAYMENT OF MONEY.]

2 If the goods, chattels, choses in action or effects are held for any purpose  
3 other than to secure the payment of money, and if the contract, condition or  
4 other thing to be performed is such as can be performed by the plaintiff with-  
5 out damage to the other parties, the court may make an order for the per-  
6 formance thereof by him. Upon such performance or tender the garnishee  
7 shall deliver the goods, chattels and effects in the manner before provided to  
8 the officer who holds the execution.

Sec. 254. DISPOSITION OF GOODS AND CHATELS BY OFFICER.] All goods, chat-

2 tels, choses in action and effects received by the officer under either of the  
3 two preceding sections shall be sold and disposed of in the same manner as  
4 if they had been taken on an execution in any other matter, except that from  
5 the proceeds of the sale the officer shall repay the plaintiff the amount paid  
6 by him to the garnishee for the redemption of the same with costs thereon,  
7 or shall indemnify the plaintiff for any other act or thing by him done or per-  
8 formed pursuant to the order of the court for the redemption of the  
9 same.

Sec. 255. POWER OF COURT AS TO PROPERTY IN HANDS OF GARNISHEE.] When

2 it shall appear that any garnishee has in his hands or under his control any  
3 goods, chattels, choses in action or effects belonging to or which he is bound  
4 to deliver to the defendant with or without condition, the court may make any  
5 and all proper orders in regard to the delivery thereof to the proper officer  
6 and the sale or disposition of the same and the discharging of any lien there-  
7 on and may authorize the garnishee to sell any such property or collect any  
8 choses in action and account for the proceeds thereof; or the court may ap-



9 point a receiver to take possession of and sell, collect or otherwise dispose of  
10 the same and make all orders in regard thereto which may be necessary or  
11 equitable between the parties.

Sec. 256. PROCEDURE WHEN GARNISHEE REFUSES TO DELIVER GOODS, ETC.] If  
2 any garnishee refuses or neglects to deliver any goods, chattels, choses in ac-  
3 tion or effects in his hands when thereto lawfully required by the court or  
4 officer having any execution upon which the same may be received, he shall  
5 be liable to be attached and punished as for a contempt, or the court may  
6 enter up judgment for the amount of the plaintiff's judgment and award exe-  
7 cution thereon against the garnishee.

Sec. 257. GARNISHEE MAY RECEIVE GOODS IN PAYMENT WHEN.] Nothing con-  
2 tained in this Act shall prevent the garnishee from receiving any goods, chat-  
3 tels, choses in action or effects in his hands for the payment of any demand  
4 for which they are mortgaged, pledged or otherwise liable at any time before  
5 the amount due to him is paid or tendered, if such sale would be authorized  
6 as between him and the defendant.

Sec. 258. COSTS—HOW PAID—GARNISHEE'S FEES.] The court may order the  
2 costs of the proceeding in any garnishment to be paid by the plaintiff, or out  
3 of the effects or credits garnished, or by the garnishee, or may apportion the  
4 same as shall appear to be just and equitable. The garnishee shall be en-  
5 titled to fees the same as a witness before the same courts in a civil  
6 action.

Sec. 259. FORMS OF ORDERS AND JUDGMENTS.] The following forms of  
2 orders and judgments in garnishee proceedings shall be deemed sufficient and  
3 shall be taken as furnishing suggestions from which other orders and judg-  
4 ments in such proceedings may be properly framed:

5 1. JUDGMENT IN FAVOR OF INTERVENER FOR PROPERTY IN HANDS OF GAR-  
6 NISHEE.

7 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

8 John Doe } Attachment. No. 25.  
v. } March 25, 1908.  
9 Richard Roe. } Before Hon. John Jones, Judge.

10 This day the court, having jurisdiction of the subject-matter of this action  
11 and of the person of the defendant by service of summons and the appearance  
12 of the defendant and of the person of the garnishee, Henry Jones, by service  
13 of garnishee summons and the appearance of said garnishee; it is considered  
14 by the court, in accordance with the finding of the court herein, that the in-  
15 tervener, George Thomas, recover from the said garnishee, Henry Jones, the  
16 following proissory note, to-wit: a promissory note for the sum of five hun-  
17 dred dollars (\$500), dated December 1, 1906, made by William Smith and pay-  
18 able to the order of the defendant Richard Roe one year after date with  
19 interest at 6 per cent per annum and by said defendant Richard Roe indorsed,  
20 and that said garnishee, Henry Jones, deliver said promissory note to said  
21 intervener, George Thomas.

22 2. JUDGMENT AGAINST INTERVENER AN FOR PLAINTIFF FOR PROPERTY IN THE  
23 HANDS OF GARNISHEE.]

24 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

25 John Doe } Attachment. No. 27.  
v. } March 25, 1908.  
26 Richard Roe. } Before Hon. John Jones, Judge.

27 This day the court, having jurisdiction of the subject-matter of this action  
28 and of the person of the defendant by service of summons and the appear-  
29 ance of the defendant and of the person of the garnishee, Henry Jones, by  
30 service of the garnishee summons and the appearance of said garnishee, and  
31 of the person of the intervener, George Jones, by his appearance herein, it is  
32 considered by the court, in accordance with the finding of the court herein,  
33 that said garnishee, Henry Jones, deliver to the sheriff the following promis-  
34 sory note, to-wit: a promissory note for the sum of five hundred dollars  
35 (\$500), dated December 1, 1906, made by William Smith and payable to the  
36 order of the defendant Richard Roe one year after date, with interest at 6  
37 per cent per annum, and by said defendant Richard Roe indorsed, the same  
38 to be collected by said sheriff and the proceeds thereof, when collected, to be

39 applied, first, to the payment of the costs and expenses of the proceedings  
 40 against the garnishee and the intervenor herein, including attorney's fees,  
 41 which costs and expenses, including attorney's fees, are taxed at twenty-five dol-  
 42 lars (\$25); second, to the payment of the judgment herein in favor of the  
 43 plaintiff and against the defendant, so far as may be necessary, for the pay-  
 44 ment of the said judgment, and third, the balance, if any, to be paid to the  
 45 defendant Richard Roe.

46 3. JUDGMENT AGAINST THIRD PERSON NOT APPEARING AND IN FAVOR OF THE  
 47 PLAINTIFF FOR PROPERTY IN THE HANDS OF THE GARNISHEE.

48 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

49 John Doe } Attachment. No. 27.  
           v.    } March 25, 1908.  
 50 Richard Roe. } Before Hon. John Jones, Judge.

51 This day the court, having jurisdiction of the subject-matter of this action  
 52 and of the person of the defendant by service of summons and the appearance  
 53 of the defendant and of the person of the garnishee, Henry Jones, by serv-  
 54 ice of the garnishee summons and the appearance of said garnishee and of  
 55 the person of George Jones by personal service of notice herein, it is consid-  
 56 ered by the court, in accordance with the finding of the court herein, that said  
 57 garnishee, Henry Jones, deliver to the sheriff the following promissory note,  
 58 to-wit: a promissory note for the sum of five hundred dollars (\$500), dated  
 59 December 1, 1906, made by William Smith and payable to the order of said  
 60 defendant, Richard Roe, one year after date with interest at 6 per cent per  
 61 annum, and by said defendant, Richard Roe, indorsed, the same to be collected  
 62 by said sheriff and applied upon the judgment herein in favor of the plaint-  
 63 iff and against the defendant, so far as may be necessary for the payment of  
 64 said judgment, and the balance, if any, to be paid to the defendant, Rich-  
 65 ard Roe.

66 4. JUDGMENT ALLOWING SET-OFF TO GARNISHEE AGAINST DEFENDANT FOR DE-  
 67 MANDS NOT DUE.

68 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

69 John Doe } Attachment. No. 27.  
           v.    } March 25, 1908.  
 70 Richard Roe. } Before Hon. John Jones, Judge.

71 This day the court, having jurisdiction of the subject-matter of this action  
 72 and of the person of the defendant by service of summons and the appearance



73 of the defendant, and of the person of the garnishee, Henry Jones, by service  
 74 of garnishee summons and the appearance of said garnishee, it is considered  
 75 by the court, in accordance with the answer of said garnishee, that the de-  
 76 fendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover  
 77 of the said garnishee, Henry Jones, the sum of two hundred dollars (\$200), less  
 78 the costs of the said garnishee, Henry Jones, to be taxed herein by the clerk,  
 79 and less also the sum of fifty dollars (\$50) upon a demand of said Henry  
 80 Jones against said Richard Roe to be due on the first day of July, 1908, the  
 81 amount so recovered, when paid, to be applied upon the judgment herein in  
 82 favor of the plaintiff and against the defendant, so far as may be necessary  
 83 for the payment of said judgment and the balance, if any, to be paid to the  
 84 defendant, Richard Roe.

85         5. JUDGMENT ALLOWING SET-OFF TO GARNISHEE AGAINST DEFENDANT, FOR DE-  
 86 MANDS DUE AND AGAINST PLAINTIFF FOR DEMANDS NOT DUE.

87                 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                       |
|-----------------|-----------------------|
| 88 John Doe     | } Attachment. No. 27. |
| 89         v.   |                       |
| 89 Richard Roe. |                       |

                              March 25, 1908.  
                               Before Hon. John Jones, Judge.

90         This day the court, having jurisdiction of the subject-matter of this action  
 91 and of the person of the defendant by service of summons and the appearance  
 92 of the defendant and of the person of the garnishee, Henry Jones, by service  
 93 of garnishee summons and the appearance of said garnishee, it is considered  
 94 by the court, in accordance with the finding of the court herein, that the de-  
 95 fendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover  
 96 of the said garnishee, Henry Jones, the sum of two hundred dollars (\$200).  
 97 less the costs of said garnishee, Henry Jones, to be taxed by the clerk, less  
 98 also the sum of fifty dollars (\$50) due as a set-off to said Henry Jones from  
 99 said Richard Roe and less also the sum of fifty dollars (\$50) upon a demand  
 100 of said Henry Jones against the plaintiff, John Doe, to be due on July 1,  
 101 1908, the amount so recovered when paid, together with said sum of fifty dol-  
 102 lars (\$50) to be due said Henry Jones from said plaintiff, John Doe, July  
 103 1, 1910, to be applied upon the judgment herein in favor of the plaintiff and  
 104 against the defendant so far as may be necessary for the payment of the  
 105 said judgment and the balance, if any, to be paid to the defendant, Rich-  
 106 ard Roe.



107        6. JUDGMENT AGAINST GARNISHEE FOR DEBT NOT DUE AND STAY OF EXECUTION.

108                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

109 John Doe        } Attachment. No. 27.  
       v.                } March 25, 1908.  
 110 Richard Roe.    } Before Hon. John Jones, Judge.

111        This day the court, having jurisdiction of the subject-matter of this action  
 112 and of the person of the defendant by service of summons and of his appear-  
 113 ance herein and of the person of the garnishee, Henry Jones, by service of  
 114 a garnishee summons and his appearance herein, it is considered by the court,  
 115 in accordance with the finding of the court herein, that the defendant, Rich-  
 116 ard Roe, for the use of the plaintiff, John Doe, have and recover of said  
 117 Henry Jones, garnishee, the sum of five hundred dollars (\$500), to be due  
 118 July 1, 1908, the amount so recovered, when paid, to be applied, first, to the  
 119 payment of the costs and expenses of the proceedings against the garnishee,  
 120 including attorney's fees, which costs and expenses, including attorney's fees,  
 121 are taxed at twenty-five dollars (\$25); second, to the payment of the judg-  
 122 ment in favor of the plaintiff and against the defendant herein; third, to the  
 123 payment of the judgment of the intervener, George Thomas, and fourth, the  
 124 balance, if any, to the defendant and that execution on said judgment against  
 125 said garnishee be stayed until July 21, 1908.

126        7. ORDER DIRECTING GARNISHEE TO DELIVER PROPERTY TO SHERIFF TO  
 127 BE SOLD.

128                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

129 John Doe        } Attachment. No. 27.  
       v.                } March 25, 1908.  
 130 Richard Roe.    } Before Hon. John Jones, Judge.

131        This day the court, having jurisdiction of the subject-matter of this action  
 132 and of the person of the defendant by service of summons and his appear-  
 133 ance herein and of the person of the garnishee, Henry Jones, by service of  
 134 garnishee summons and his appearance herein, it is considered by the court,  
 135 in accordance with the finding of the court herein, that said garnishee, Henry  
 136 Jones, deliver to the sheriff of Cook county the following described property,  
 137 to-wit: one black and white cow and one bay horse with a white star in the  
 138 forehead, the said property to be sold by the sheriff and the proceeds there-  
 139 of to be applied, first, to the payment of the costs and expenses of the pro-  
 140 ceedings against the garnishee, including attorney's fees, which costs and ex-

141 penses, including attorney's fees, are taxed at twenty-five dollars (\$25); sec-  
 142 ond, to the payment of the judgment in favor of the plaintiff and against the  
 143 defendant herein; third, to the payment of the judgment of the intervener,  
 144 George Thomas, and fourth, the balance to the defendant.

145 8. ORDER ALLOWING PLAINTIFF TO TENDER TO GARNISHEE AMOUNT DUE GAR-  
 146 NISHEE AND FOR DELIVERY OF PROPERTY BY GARNISHEE TO SHERIFF.

147 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

148 John Doe } Attachment. No. 25.  
           v.    } March 25, 1908.  
 149 Richard Roe. } Before Hon. John Jones, Judge.

150 This day the court, having jurisdiction of the subject-matter of this action  
 151 and of the person of the defendant by service of summons and his appear-  
 152 ance herein and of the person of the garnishee, Henry Jones, by service of  
 153 the garnishee summons and his appearance herein, it is considered by the  
 154 court, in accordance with the finding of the court, that upon the payment or  
 155 tender by the plaintiff to said garnishee, Henry Jones, of the sum of twenty-  
 156 five dollars (\$25) said Henry Jones, garnishee, deliver to the sheriff of Cook  
 157 county the following described property, to-wit: one black and white cow and  
 158 one bay horse with a white star in the forehead, the same to be sold by  
 159 said sheriff and the proceeds thereof applied, first, to the payment to the  
 160 plaintiff of the twenty-five dollars (\$25) aforesaid; second, to the payment  
 161 of the costs and expenses of the proceedings against the garnishee, includ-  
 162 ing attorney's fees, which costs and expenses, including attorney's fees, are  
 163 taxed at twenty-five dollars (\$25); third, to the payment of the judgment in  
 164 favor of the plaintiff and against the defendant herein; fourth, to the pay-  
 165 ment of the judgment of the intervener, George Thomas, and fifth, the bal-  
 166 ance, if any, to the defendant.

Sec. 260. HOW RECOGNIZANCE TAKEN.] Every recognizance in a criminal  
 2 action shall be taken to the People of the State of Illinois and every recogniz-  
 3 ance in a quasi criminal action for a violation of a municipal ordinance shall  
 4 be taken in the name of the municipal corporation which is the plaintiff in the  
 5 action. Every other recognizance not included in the foregoing shall be taken  
 6 to such party as may be expressly directed by this Act, or, in case of no express  
 7 direction in this Act, then to the People of the State of Illinois.

Sec. 261. RECOGNIZANCE TO BE SIGNED WHEN.] Every recognizance, when  
 2 not taken in the municipal court and recited orally in open court as hereinafter  
 3 provided, shall be signed by the person or persons entering into the same and  
 4 approved and certified by the officer taking the same. Any judge or the clerk  
 5 of the municipal court, master in chancery, or any sheriff, coroner, or constable,  
 6 or the bailiff of the municipal court, or police officer, or any deputy of either of  
 7 said officers, shall have power to take, approve and certify recognizances per-  
 8 taining to actions in said municipal court.

Sec. 262. RECOGNIZANCE IN WRITING TO BE ENTITLED, ETC.] Every recogniz-  
 2 ance in writing taken in any action or proceeding in the municipal court shall  
 3 specify the court in which the action is pending or has been determined, and the  
 4 title, classification and number thereof, and a minute of the taking and filing of  
 5 the same shall be entered in the register and minute book of the court with the  
 6 other entries in such action or proceeding.

Sec. 263. FORMS OF RECOGNIZANCES IN WRITING.] The following forms of  
 2 recognizances in writing, together with the approvals and certificates of the  
 3 judges or other officers taking the same, shall be deemed sufficient and shall be  
 4 taken as furnishing suggestions from which other recognizances may be prop-  
 5 erly framed:

6 1. RECOGNIZANCE IN A CRIMINAL ACTION PENDING IN THE MUNICIPAL COURT.

7 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                         |                     |
|----|-------------------------|---------------------|
| 8  | The People of the State | } Criminal. No. 25. |
| 9  | of Illinois             |                     |
| 10 | v.<br>Richard Roe.      |                     |

11 RECOGNIZANCE.

12 This day personally appeared before the undersigned, one of the judges  
 13 of the municipal court of Chicago, Illinois, Richard Roe, as principal, and  
 14 Thomas Jones and William Smith as sureties, and jointly and severally ac-



15 knowledged themselves to owe and to be indebted unto the People of the State  
 16 of Illinois in the penal sum of one thousand dollars (\$1,000) to be levied of  
 17 their goods and chattels, lands and tenements, respectively, in such manner as  
 18 the law directs.

19 The Condition of this recognizance is such that if the above bounden Rich-  
 20 ard Roe shall personally be and appear before the municipal court of Chicago,  
 21 at No. 148 Michigan avenue, Chicago, Illinois, from day to day hereafter until  
 22 the final sentence or order of said court in the above entitled criminal action  
 23 therein pending against him and abide the order of the said court in all things  
 24 and not depart the same without leave, then this recognizance is to be void;  
 25 otherwise the same is to be and remain in full force and effect.

26 Witness our hands and seals at Chicago, Illinois, this 10th day of Febru-  
 27 ary, 1908.

28 RICHARD ROE, (Seal.)

29 THOMAS JONES, (Seal.)

30 WILLIAM SMITH, (Seal.)

31 Taken, acknowledged and entered into before me this 19th day of February,  
 32 1908.

33 JOHN JONES, *Judge*.

34 2. RECOGNIZANCE ON A COMMITMENT TO THE CRIMINAL COURT AFTER EXAMINA-  
 35 TION BY THE MUNICIPAL COURT.

36 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                            |                        |
|----------------------------|------------------------|
| 37 The People of the State | } Examination. No. 27. |
| 38 of Illinois             |                        |
| 39 v.<br>Richard Roe.      |                        |

40 RECOGNIZANCE.

41 This day personally appeared before the undersigned, a judge of the muni-  
 42 cipal court of Chicago, Illinois, Richard Roe, as principal, and Thomas Jones  
 43 and William Smith, as sureties, and jointly and severally acknowledged them-  
 44 selves to owe and to be indebted unto the People of the State of Illinois in the  
 45 penal sum of one thousand dollars (\$1,000) to be levied of their goods and  
 46 chattels, lands and tenements, respectively, in such manner as the law directs.

47 The condition of this recognizance is such that if the above bounden Rich-  
 48 ard Roe shall personally be and appear before the criminal court of Cook  
 49 county, Illinois, at the criminal court building in Chicago, in said county, on  
 50 the first Monday of March, 1908, at the opening of court on that day and



from day to day thereafter until the final sentence or order of the court, to answer for the offense of larceny and shall abide the order of said criminal court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Chicago, Illinois, this 10th day of February, 1908.

RICHARD ROE, (Seal.)

THOMAS JONES. (Seal.)

WILLIAM SMITH. (Seal.)

Taken, acknowledged and entered into before me this 10th day of February, 1908.

GEORGE THOMAS,

*Judge, etc.*

### 3. RECOGNIZANCE OF WITNESS TAKEN BEFORE THE MUNICIPAL COURT FOR APPEARANCE BEFORE CRIMINAL COURT.

#### IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                         |                        |
|-------------------------|------------------------|
| The People of the State | } Examination. No. 27. |
| of Illinois             |                        |
| v.                      |                        |
| Richard Roe.            |                        |

#### RECOGNIZANCE.

This day personally appeared before the undersigned, a judge of the municipal court of Chicago, Illinois, William Doe and acknowledged himself to owe and to be indebted unto the People of the State of Illinois in the penal sum of one hundred dollars (\$100) to be levied of his goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden William Doe shall personally be and appear before the criminal court of Cook county, Illinois, at the criminal court building in Chicago, in said county, on the first Monday of March, 1910, at the opening of court on that day and from day to day thereafter to testify in the case of the People of the State of Illinois against Richard Roe, charged with the offense of larceny, and not to depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness my hand and seal at Chicago, Illinois, this 10th day of February, 1908.

WILLIAM DOE, (Seal.)

87 Taken, acknowledged and entered into before me this 10th day of Febru-  
88 ary, 1908.

89  
90  
GEORGE THOMAS,  
*Judge, etc.*

91 4. RECOGNIZANCE TO KEEP THE PEACE.

92 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

93 The People of the State }  
94 of Illinois } Peace Proceeding. No. 30.  
95 v.  
96 Richard Roe.

96 RECOGNIZANCE.

97 This day personally appeared before the undersigned, a judge of the  
98 municipal court of Chicago, Illinois, Richard Roe, as principal, and Thomas  
99 Jones and William Smith, as sureties, and jointly and severally acknowledge  
100 themselves to owe and to be indebted unto the People of the State of Illinois  
101 in the penal sum of five hundred dollars (\$500) to be levied of their goods and  
102 chattels, lands and tenements, respectively in such manner as the law directs.

103 The condition of this recognizance is such that if the above bounden Rich-  
104 ard Roe shall keep the peace toward all the People of this State and especially  
105 toward John Doe of said Cook county for six months from the 10th day of  
106 February, 1908, then this recognizance is to be void; otherwise the same is to  
107 be and remain in full force and virtue.

108 Witness our hands and seals at Evanston, Illinois, this 10th day of Febru-  
109 ary, 1908.

110 RICHARD ROE. (Seal.)

111 THOMAS JONES. (Seal.)

112 WILLIAM SMITH. (Seal.)

113 Taken, acknowledged and entered into before me this 10th day of Febru-  
114 ary, 1908.

115  
116  
GEORGE THOMAS,  
*Judge, etc.*

117 5. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN CRIMINAL ACTION AFTER  
118 SUING OUT WRIT OF ERROR.

119 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

120 The People of the State }  
121 of Illinois } Criminal. No. 25.  
122 v.  
123 Richard Roe.

## RECOGNIZANCE.

123

124 This day personally appeared before the undersigned, one of the judges  
 125 of the municipal court of Chicago, Illinois, Richard Roe, as principal, and  
 126 Thomas Jones and William Smith, as sureties, and jointly and severally ac-  
 127 knowledged themselves to owe and to be indebted unto the People of the State  
 128 of Illinois in the penal sum of one thousand dollars (\$1,000) to be levied of  
 129 their goods and chattels, lands and tenements respectively, in such manner  
 130 as the law directs.

131 The condition of this recognizance is such that, whereas the said Richard  
 132 Roe was, on the 10th day of February, 1908, in the above entitled action, by  
 133 the judgment of the municipal court of Chicago, Illinois, sentenced to im-  
 134 prisonment in the penitentiary, to review which said judgment said Richard  
 135 Roe has sued out a writ of error from the supreme court of Illinois, and the  
 136 said Richard Roe in pursuance of law is about to be admitted to bail by said  
 137 municipal court of Chicago pending the determination of said writ of error:

138 Now, therefore, if the said Richard Roe shall appear before said munici-  
 139 pal court of Chicago on the first Monday of March, 1908, and from day to  
 140 day thereafter until the determination of said writ of error and will not at  
 141 any time depart the said criminal court without leave and, in case the said  
 142 judgment and sentence of said municipal court of Chicago shall be affirmed  
 143 or the writ of error dismissed or the judgment reversed and the action re-  
 144 manded by said supreme court, he shall and will surrender himself to the  
 145 sheriff of Cook county, Illinois, from whose custody he is bailed, within ten  
 146 (10) days after a certified copy of such judgment of affirmance or dismissal  
 147 or reversal and remandment shall have been filed in said municipal court, then  
 148 this recognizance is to be void; otherwise the same is to be and remain in  
 149 full force and virtue.

150 Witness our hands and seals at Chicago, Illinois, this 10th day of Febru-  
 151 ary, 1908.

152 RICHARD ROE. (Seal.)

153 THOMAS JONES. (Seal.)

154 WILLIAM SMITH. (Seal.)

155 Taken, acknowledged and entered into before me this 10th day of Febru-  
 156 ary 1908.

157 JOHN JONES, *Judge.*

158       6. RECOGNIZANCE IN A QUASI CRIMINAL ACTION FOR THE VIOLATION OF AN  
159 ORDINANCE OF A MUNICIPAL CORPORATION PENDING IN A COURT OF RECORD.

160               IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

161 The City of Chicago }  
162       v.               Richard Roe.       } Quasi Criminal. No. 50.

163                               RECOGNIZANCE.

164       This day personally appeared before the undersigned, one of the judges  
165 of the municipal court of Chicago, Illinois, Richard Roe, as principal, and  
166 Thomas Jones and William Smith, as sureties, and jointly and severally ac-  
167 knowledged themselves to owe and to be indebted unto the City of Chicago in  
168 the penal sum of one thousand dollars (\$1,000) to be levied of their goods  
169 and chattels, lands and tenements, respectively, in such manner as the law  
170 directs.

171       The condition of this recognizance is such that if the above bounden  
172 Richard Roe shall personally be and appear before the municipal court of  
173 Chicago, at No. 148 Michigan avenue, Chicago, Illinois, from day to  
174 day hereafter until the final judgment or order of said court in the above  
175 entitled quasi criminal action therein pending against him, and abide the  
176 order of the said court in all things and not depart the same without leave.  
177 then this recognizance is to be void; otherwise the same is to be and remain  
178 in full force and virtue.

179       Witness our hands and seals at Chicago, Illinois, this 10th day of Febru-  
180 ary, 1908.

181   RICHARD ROE.       (Seal.)  
182   THOMAS JONES.     (Seal.)  
183   WILLIAM SMITH.     (Seal.)

184       Taken, acknowledged and entered into before me this 10th day of Febru-  
185 ary 1908.

186   JOHN JONES, *Judge.*

Sec. 264. RECITAL OF RECOGNIZANCE IN OPEN COURT—FORMS.] Every recog-  
2 nizance when taken in a court of record in open court may be recited to the  
3 principal and sureties by the judge, the clerk, or any other person under the  
4 direction of the judge, and when so recited shall be entered in an abbreviated  
5 form in the register and minute book hereinafter provided for, with the date



6 of the recital thereof and the name of the presiding judge, and a draft of such  
 7 entry may, if the court shall so direct, be written out in full, signed by the  
 8 judge and filed with the papers in the action constituting a part of the record  
 9 thereof. The following forms of recitals of recognizances, and drafts of  
 10 entries thereof written out in full and signed by the presiding judge, shall be  
 11 deemed sufficient and shall be taken as furnishing suggestions from which other  
 12 recitals, abbreviated entries and drafts thereof written out in full may be prop-  
 13 erly framed:

14 1. RECOGNIZANCES IN CRIMINAL ACTION PENDING IN A COURT OF RECORD.

15 RECITAL.

16 You, Richard Roe, as principal, and Thomas Jones and William Smith, as  
 17 sureties, do jointly and severally acknowledge yourselves to owe and to be in-  
 18 debted unto the People of the State of Illinois in the penal sum of one thousand  
 19 dollars (\$1,000), to be levied of your goods and chattels, lands and tenements,  
 20 respectively, in such manner as the law directs, this recognizance, however, to  
 21 be void on the condition that you, the said Richard Roe, shall personally be  
 22 and appear before the municipal court of Chicago, Illinois, at No. 148 Michigan  
 23 avenue, Chicago, Illinois, from day to day hereafter until the final sentence  
 24 or order of said court in a criminal action therein pending against you, the  
 25 said Richard Roe, being the case of the People of the State of Illinois v. Rich-  
 26 ard Roe, Criminal, No. 25, and shall abide the order of said court in all things  
 27 and not depart the same without leave; otherwise the same is to be and remain  
 28 in full force and virtue.

29 FORM OF ENTRY WRITTEN OUT IN FULL.

30 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                         |   |   |
|----|-------------------------|---|---|
| 31 | The People of the State | } | Criminal. No. 25.<br>February 10, 1908.<br>Before Hon. John Jones, Judge. |
| 32 | of Illinois             |   |   |
| 33 | v.<br>Richard Roe.      |   |   |

34 This day Richard Roe, as principal, and Thomas Jones and William Smith,  
 35 as sureties, in open court jointly and severally acknowledged themselves to  
 36 owe and to be indebted unto the People of the State of Illinois in the penal  
 37 sum of one thousand dollars (\$1,000), to be levied of their goods and chattels,

lands and tenements, respectively, in such manner as the law directs, their recognizance, however, to be void on condition that the said Richard Roe shall personally be and appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, from day to day hereafter until the final sentence or order of said court in the above entitled criminal action therein pending against him, the said Richard Roe, and shall abide the order of said court in all things and not depart the same without leave; otherwise to be and remain in full force and virtue.

2. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN CRIMINAL ACTION AFTER  
SUING OUT WRIT OF ERROR

RECITAL.

You, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, do jointly and severally acknowledge yourselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000), to be levied of your goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that whereas you, the said Richard Roe, were, on the 10th day of February, 1908, in the action of the People of the State of Illinois v. Richard Roe, Criminal, No. 25, by the judgment of the municipal court of Chicago, Illinois, sentenced to imprisonment in the penitentiary, to review which said judgment you, the said Richard Roe, have sued out a writ of error from the supreme court of Illinois, and in pursuance of law are about to be admitted to bail by said municipal court of Chicago, pending the determination of such writ of error:

Now, therefore, if you, the said Richard Roe, shall personally be and appear before said municipal court of Chicago on the first Monday of March, 1908, and from day to day thereafter until the final determination of said writ of error and will not at any time depart the said municipal court without leave, and, in case the said judgment and sentence of said municipal court of Chicago shall be affirmed or the writ of error dismissed or the judgment reversed and the action remanded by said supreme court, you shall and will surrender yourself to the sheriff of Cook county, Illinois, from whose custody you are bailed, within ten (10) days after a certified copy of such judgment or affirmance or dismissal or reversal and remandment shall have been filed in said municipal court, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

74 FORM OF ENTRY WRITTEN OUT IN FULL.

75 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                                     |   |
|----|-------------------------------------|---|
| 76 | The People of the State of Illinois | } Criminal. No. 25.<br>February 10, 1908.<br>Before Hon. John Jones, Judge. |
|    | v.                                  |   |
| 77 | Richard Roe.                        |   |

78 This day Richard Roe, as principal, and Thomas Jones and William Smith, as  
 79 sureties, in open court jointly and severally acknowledge themselves to owe and  
 80 to be indebted unto the People of the State of Illinois in the penal sum of one  
 81 thousand dollars (\$1,000), to be levied of their goods and chattels, lands and tene-  
 82 ments, respectively, in such manner as the law directs, their recognizance, how-  
 83 ever, to be void on condition that the said Richard Roe shall personally be and  
 84 appear before the municipal court of Chicago, Illinois, on the first Monday of  
 85 March, 1908, and from day to day thereafter until the final determination of  
 86 the writ of error prosecuted by said Richard Roe from the Supreme Court of  
 87 Illinois to review the judgment entered on the 10th day of February, 1908, by  
 88 the municipal court of Chicago in the above entitled action sentencing said  
 89 Richard Roe to imprisonment in the penitentiary, and will not at any time  
 90 depart the said municipal court without leave, and in case the said judgment  
 91 and sentence of said municipal court of Chicago shall be affirmed or the writ of  
 92 error dismissed or the judgment reversed and the action remanded by said  
 93 Supreme Court, he shall and will surrender himself to the sheriff of Cook  
 94 county, Illinois, from whose custody he is bailed, within ten (10) days after a  
 95 certified copy of such judgment of affirmance or dismissal or reversal and re-  
 96 mandment shall have been filed in said municipal court; otherwise to be and re-  
 97 main in full force and virtue.

98 3. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN A QUASI CRIMINAL AC-  
 99 TION PENDING IN A COURT OF RECORD.

100 RECITAL.

101 You, Richard Roe, as principal, and Thomas Jones, as surety, do jointly  
 102 and severally acknowledge yourselves to owe and to be indebted unto the city  
 103 of Chicago in the penal sum of one hundred dollars (\$100), to be levied of  
 104 your goods and chattels, lands and tenements, respectively, in such manner as  
 105 the law directs, this recognizance, however, to be void on condition that you, the  
 106 said Richard Roe, shall personally be and appear before the municipal  
 107 court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, from day to  
 108 day hereafter until the final judgment or order of said court in a quasi crim-



109 inal action therein pending against you, and abide the order of said court in  
 110 all things and not depart the same without leave; otherwise the same to be and  
 111 remain in full force and effect.

112 FORM OF ENTRY WRITTEN OUT IN FULL.

113 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

114 The City of Chicago } Quasi Criminal. No. 50.  
                                   v.                                } February 10, 1908.  
 115 Richard Roe.         } Before Hon. John Jones, Judge

116 This day Richard Roe, as principal, and Thomas Jones, as surety, in open  
 117 court jointly and severally acknowledge themselves to owe and to be indebted  
 118 unto the city of Chicago in the penal sum of one hundred dollars (\$100), to be  
 119 levied of their goods and chattels, lands and tenements, respectively, in such  
 120 manner as the law directs, their recognizance, however, to be void on condition  
 121 that the said Richard Roe shall personally be and appear before the municipal  
 122 court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, from day to  
 123 day hereafter until the final judgment or order of said court in the above  
 124 entitled quasi criminal action therein pending against him, and abide the or-  
 125 der of said court in all things and not depart the same without leave; other-  
 126 wise the same to be and remain in full force and virtue.

127 4. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN A QUASI CRIMINAL AC-  
 128 TION AFTER FILING NOTICE OF APPEAL.

129 RECITAL.

130 You, Richard Roe, as principal, and Thomas Jones and William Smith,  
 131 as sureties, do jointly and severally acknowledge yourselves to owe and to be  
 132 indebted unto the city of Chicago in the penal sum of five hundred dollars  
 133 (\$500), to be levied of your goods and chattels, lands and tenements, respect-  
 134 ively, in such manner as the law directs.

135 The condition of this recognizance is such that whereas you, the said Rich-  
 136 ard Roe, were, on the 10th day of February, 1908, in the case of the city of  
 137 Chicago v. Richard Roe, quasi criminal, No. 25, by the judgment of the muni-  
 138 cipal court of Chicago, Illinois, adjudged to pay to the city of Chicago a fine  
 139 of five hundred dollars (\$500), to review which said judgment you, the said  
 140 Richard Roe, have filed in the office of the clerk of said municipal court of Chi-  
 141 cago a notice of an appeal to the Appellate Court of the first district of Illi-  
 142 nois and are about to be admitted to bail by said municipal court of Chicago,  
 143 pending the determination of said appeal.



144 Now, therefore, if you, the said Richard Roe, shall personally be and ap-  
 145 pear before said municipal court of Chicago, on the first Monday of March,  
 146 1908, and from day to day thereafter until the final determination of such ap-  
 147 peal and will not at any time depart the said criminal court without leave,  
 148 and in case the said judgment of said municipal court of Chicago shall be af-  
 149 firmed or said appeal dismissed or the judgment reversed and the action re-  
 150 manded by said Appellate Court, you shall and will surrender yourself to the  
 151 sheriff of Cook county, Illinois, from whose custody you are bailed, within  
 152 ten (10) days after a certified copy of such judgment or affirmance or dismis-  
 153 sal or reversal and remandment shall have been filed in said municipal court  
 154 then this recognizance is to be void; otherwise the same is to be and remain  
 155 in full force and virtue.

156 FORM OF ENTRY WRITTEN IN FULL.

157 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

158 The City of Chicago } Quasi Criminal. No. 50.  
                                   v.        February 10, 1908.  
 159 Richard Roe.        } Before Hon. John Jones, Judge.

160 This day Richard Roe, as principal, and Thomas Jones and William  
 161 Smith, as sureties, in open court jointly and severally acknowledge themselves  
 162 to owe and to be indebted unto the city of Chicago in the penal sum of five  
 163 hundred dollars (\$500), to be levied of their goods and chattels, lands and  
 164 tenements, respectively, in such manner as the law directs, their recognizance,  
 165 however, to be void on condition that the said Richard Roe shall personally  
 166 be and appear before said municipal court of Chicago, on the first Mon-  
 167 day of March, 1908, and from day to day thereafter until the final determina-  
 168 tion of the appeal prosecuted by said Richard Roe to the Appellate Court of  
 169 the first district to review the judgment entered on the 10th day of Febru-  
 170 ary, 1908, by the municipal court of Chicago, in the above entitled action, by  
 171 which said Richard Roe was adjudged to pay a fine of five hundred dollars  
 172 (\$500), and will not at any time depart the said criminal court without  
 173 leave, and in case the said judgment of said municipal court of Cook county  
 174 shall be affirmed or said appeal dismissed or judgment reversed and the ac-  
 175 tion remanded by said Appellate Court he shall and will surrender himself to  
 176 the sheriff of Cook county, from whose custody he is bailed, within ten (10)  
 177 days after a certified copy of such judgment or affirmance or dismissal or re-  
 178 versal and remandment shall have been filed in said municipal court; other-  
 179 wise to be and remain in full force and virtue.

Sec. 265. RECOGNIZANCE IN WRITING IN EXAMINATION PROCEEDING FOR APPEAR-  
 2 ANCE IN COURT OF RECORD.] Every recognizance in writing taken before any  
 3 judge of the municipal court or other officer, for the appearance of any person  
 4 before the criminal court of Cook county, to answer to any criminal charge or  
 5 to testify as a witness, shall be forthwith delivered by the clerk to the clerk  
 6 of the criminal court, who shall note thereon the date of the receipt thereof  
 7 and, upon the filing in such court of an information based upon such criminal  
 8 charge, shall file such recognizance with the papers in such criminal action and  
 9 shall note the filing thereof in the register and minute book with the other en-  
 10 tries pertaining to such action.

Sec. 266. RECOGNIZANCE TO BE DEEMED VOLUNTARY — MISTAKES TO BE COR-  
 2 RECTED.] Every recognizance taken or attempted to be taken in the municipal  
 3 court in any criminal or quasi criminal action in pursuance of law shall, by all  
 4 the courts in this State, be held and adjudged to have been entered into volun-  
 5 tarily and shall not be set aside or adjudged insufficient for want of  
 6 form, either in the recognizance or in the certificate of the officer taking the  
 7 same. Every person entering into a recognizance in any such action shall be pre-  
 8 sumed to know the penalty and terms of the recognizance required by law and  
 9 the order of the court in such action, and any mistake in such recognizance  
 10 whereby the same varies from the recognizance required by law, or by the order  
 11 of the court, may be corrected and such recognizance as corrected may be  
 12 enforced against the parties entering into the same.

Sec. 267. FORFEITURE—SUMMONS.] When any person shall enter into a  
 2 recognizance for his appearance before the municipal court and such person  
 3 does not appear in accordance with the conditions of the recognizance, or when  
 4 any person shall enter into a recognizance for his surrender to any officer  
 5 upon the determination of any writ of error or appeal by the dismissal of the  
 6 same or the affirmance of any judgment or the reversal of the judgment and

7 the remandment of the action and the filing in the municipal court of the cer-  
 8 tified copy of the judgment of affirmance, dismissal or reversal and remand-  
 9 ment and the lapse of the time thereafter within which he is required to sur-  
 10 render himself and it is made to appear to the court by the affidavit of such  
 11 officer or otherwise that such person has failed to surrender himself in ac-  
 12 cordance with the conditions, or any of them, of such recognizance, the court  
 13 shall declare such recognizance forfeited and the clerk shall thereupon issue a  
 14 summons to such person and his sureties requiring their appearance before  
 15 the court on the next Monday following the date of such summons: *Provided,*  
 16 *however,* that if the date of said summons is less than five days prior to such  
 17 succeeding Monday such summons shall require the appearance of the defend-  
 18 ant on the second Monday after the date thereof.

Sec. 268. METHOD OF KEEPING RECORD WHEN RECOGNIZANCES ARE FORFEITED.]

2 The method of keeping the record of the municipal court in actions on recog-  
 3 nizances shall be as follows:

4 *First*—ACTION TO BE ENTERED IN REGISTER AND MINUTE BOOK.] Every such  
 5 action shall be entered in the proper register and minute book in the names  
 6 of the cognizee, as plaintiff, and of the cognizers, as defendants, and classified  
 7 and numbered in accordance with the provisions of this Act.

8 *Second*—TRANSFER OF ENTRIES, ETC.] A minute, in an abbreviated form, of  
 9 the forfeiture of such recognizance shall be entered in the register and minute  
 10 book with the other entries in such action, and such minute, as well as the  
 11 minute of the filing or entering into of such recognizance, shall be trans-  
 12 ferred to and become a part of the minutes of the action and on the recog-  
 13 nizance in the register and minute book, and there shall also be entered, as  
 14 a part of the minutes of the respective actions, memoranda showing the ac-  
 15 tion from which and the action to which such transfers have been made, giv-



ing the numbers of the respective actions and such other particulars as will identify the same, and, if a recognizance in writing shall have been entered into, the same shall thereupon become a part of the record of the action on the recognizance.

Sec. 269. FORMS OF SUMMONS.] The following forms of summonses hereinbefore provided for shall be deemed sufficient and shall be taken as furnishing suggestions from which other summonses may be properly framed:

1. SUMMONS TO DEFENDANTS AFTER FORFEITURE OF RECOGNIZANCE.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                    |   |                       |
|--------------------|---|-----------------------|
| The People of the  | } | Recognizance. No. 20. |
| State of Illinois  |   |                       |
| v.                 |   |                       |
| Richard Roe et al. |   |                       |

SUMMONS.

The People of the State of Illinois—GREETING to Richard Roe, Thomas Jones and William Smith:

You are hereby commanded to appear in person or by attorney before the municipal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, on Monday, the 18th day of March, 1908, to answer to the above entitled action on a recognizance for the recovery of the sum of one thousand dollars (\$1,000) brought against you in said court by the People of the State of Illinois, which recognizance has been forfeited in said court.

Witness John Smith, clerk of said municipal court and the seal thereof at Chicago, Illinois, this 10th day of March, 1908.

JOHN SMITH, *Clerk*.

2. SUMMONS TO DEFENDANTS AFTER FORFEITURE OF RECOGNIZANCE IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS, IN QUASI-CRIMINAL ACTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                     |   |                       |
|---------------------|---|-----------------------|
| The City of Chicago | } | Recognizance. No. 50. |
| v.                  |   |                       |
| Richard Roe et al.  |   |                       |



27

## SUMMONS.

28 The People of the State of Illinois—GREETING to Richard Roe, Thomas Jones  
29 and William Smith:

30 You are hereby commanded to appear in person or by attorney before the  
31 municipal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, on  
32 Monday, the 18th day of March, 1908, to answer to the above entitled action  
33 on a recognizance for the recovery of the sum of one thousand dollars (\$1,000)  
34 brought against you in said court by the City of Chicago, which recognizance  
35 has been forfeited in said court.

36 . Witness John Smith, clerk of said municipal court and  
37 the seal thereof at Chicago, Illinois, this 10th day  
38 of March, 1908.

39

JOHN SMITH, *Clerk.*

Sec. 270. PREPARATION AND SERVICE OF SUMMONS—RETURN.] Every such  
2 summons shall be prepared and served in the manner in this Act provided for  
3 the preparation and service of the summons in an action at law for the re-  
4 covery of money, excepting that such summons and the copies thereof to be de-  
5 livered to the defendant or other person to whom such delivery is authorized to  
6 be made by this fact for the purpose of service upon the defendant, shall be pre-  
7 pared by the clerk, and to each copy of the summons thus prepared there shall  
8 be attached by the clerk copies, first of the recognizances, if the same be in writ-  
9 ing, or of the record entry thereof, if the same be one taken and recited in open  
10 court, and, second, of the record entry of the forfeiture thereof. Every such sum-  
11 mons may be served by any officer authorized by this Act to serve a summons  
12 in an action at law for the recovery of money. In case any defendant can not  
13 be found by the officer he shall make a return of that fact to the court.

Sec. 271. JUDGMENT BY DEFAULT—FORMS.] In case the defendants shall  
2 have been served with the summons and shall not enter their appearance on or  
3 before the Thursday succeeding the day specified in this Act for such appear-  
4 ance, or, in case the defendants shall have been notified by publication of no-

5 tice and shall not enter their appearances on or before the day specified in such  
 6 notice for such appearance, the court shall enter judgment against them by de-  
 7 fault for the amount of the recognizance. The following forms of judgments  
 8 by default shall be deemed sufficient and shall be taken as furnishing suggestions  
 9 from which other forms of judgments by default may be properly framed:

10 1. JUDGMENT BY DEFAULT ON RECOGNIZANCE IN A CRIMINAL ACTION.

11 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                           |   |  |
|----|---------------------------|---|--|
| 12 | The People of the         | } | Recognizance. No. 25.<br>March 25, 1908.<br>Before Hon. John Jones, Judge. |
| 13 | State of Illinois         |   |  |
| 14 | <i>Richard Roe, et al</i> |   |  |

15 This day the court, having jurisdiction of the subject matter of this action  
 16 and of the persons of the defendants herein by service of summons, it is con-  
 17 sidered by the court, in accordance with the default heretofore entered against  
 18 the defendants, that the People of the State of Illinois have and recover of the  
 19 said defendants, Richard Roe, Thomas Jones and William Smith, the sum of  
 20 five hundred dollars (\$500), together with the costs of the action.

21 2. JUDGMENT BY DEFAULT ON RECOGNIZANCE IN A QUASI CRIMINAL ACTION.

22 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                           |   |  |
|----|---------------------------|---|--|
| 23 | The City of Chicago       | } | Recognizance. No. 25.<br>March 25, 1908.<br>Before Hon. John Jones, Judge. |
| 24 | <i>Richard Roe et al.</i> |   |  |

25 This day the court, having jurisdiction of the subject matter of this action  
 26 and of the persons of the defendants herein by service of summons, it is con-  
 27 sidered by the court in accordance with the default heretofore entered against  
 28 the defendants, that the City of Chicago have and recover of the said defend-  
 29 ants, Richard Roe, Thomas Jones and William Smith, the sum of five hundred  
 30 dollars (\$500), together with the costs of the action.

Sec. 272. TRIAL—SETTING ASIDE FORFEITURE.] If the defendant shall appear

2 and interpose a defense the action shall be tried in the same manner as other  
 3 actions of a like nature. After any such recognizance shall be declared for-  
 4 feited as aforesaid and before judgment the court may, in its discretion, set aside

5 such forfeiture upon the principal in the recognizance being brought or coming  
 6 into open court and showing to the court by affidavit that he was unable to ap-  
 7 pear in court or surrender himself to the proper officer, as the case may be,  
 8 according to the terms of the recognizance by reason of sickness or some other  
 9 cause which shall satisfy the court that such principal has not been guilty of  
 10 any laches or negligence: *Provided*, that no such forfeiture of a recognizance  
 11 shall be set aside until the principal in such recognizance shall pay the costs of  
 12 the action.

Sec. 273. NEGLECTS OR OMISSIONS NOT TO BAR ACTION WHEN.] No action on  
 2 a recognizance shall be barred or defeated by reason of neglect or omission to  
 3 note or record the default of any principal or surety at the term when it happens,  
 4 nor by reason of a defect in the form of the recognizance, if it sufficiently ap-  
 5 pears from the tenor thereof at what court the principal therein was bound to  
 6 appear and that the court or magistrate before whom it was taken was au-  
 7 thorized by law to require and take such recognizance.

Sec. 274. ACT OF GOD TO DISCHARGE SURETIES.] If by the act of God sureties  
 2 are unable, without their fault, to surrender their principal they shall, on motion  
 3 before final judgment in the action on the recognizance, be exonerated and dis-  
 4 charged by the court with or without costs, as the court may deem equitable.

Sec. 275. FOR WHAT JUDGMENT MAY BE CONFESSED—HOW ACCOMPLISHED.]  
 2 Any person for a debt *bona fide* due may confess judgment in the municipal  
 3 court by himself, or attorney duly authorized for the amount of such debt and  
 4 the costs of the action and a tenant under a lease in writing may confess judg-  
 5 ment in favor of his landlord for possession of the leased premises, or for  
 6 possession of the leased premises and also for rent due to such landlord under  
 7 such lease in writing, without process. When such confession is made by virtue  
 8 of a warrant of attorney executed by the person confessing the judgment, it



9 shall be accomplished by the filing with the clerk of a praecipe specifying the  
 10 court in which the action is pending, the names of parties thereto, and the classi-  
 11 fication and number thereof, directing the clerk to cause judgment by con-  
 12 fession to be entered in favor of the plaintiff and against the defendant, and  
 13 specifying the amount of such judgment, if the same be for a debt, or the de-  
 14 scription of the premises for the possession of which judgment is confessed,  
 15 and, if such judgment is also to include rent, the amount of the judgment  
 16 therefor, together with the original warrant of attorney authorizing such con-  
 17 fession, an affidavit or affidavits of the plaintiff, his agent or attorney, or some  
 18 other person having knowledge of the facts, showing the execution by the de-  
 19 fendant of such warrant of attorney, and that the amount for which such judg-  
 20 ment is to be confessed is *bona fide* due to the plaintiff from the defendant  
 21 after allowing to the defendant all his just credits, deductions and set-offs, or, if  
 22 judgment is confessed for the possession of premises, that the plaintiff is en-  
 23 titled to the possession of such premises and that the defendant unlawfully de-  
 24 tains the same; and also a confession of judgment signed by a duly licensed  
 25 attorney at law, and also by filing with said clerk a copy of said praecipe, war-  
 26 ranty of attorney, affidavit and confession of judgment for the use of the de-  
 27 fendant, or, if there be more than one defendant, then for the use of the de-  
 28 fendant first applying therefor.

Sec. 276. FORMS OF PRAECIPE, ETC.] The following forms of praecipe, affi-  
 2 davit and confession shall be deemed to sufficiently comply with the provisions  
 3 of the preceding section and shall be taken as furnishing suggestions from  
 4 which other praecipies, affidavits and confessions may be properly framed:

5 1. CONFESSIEN IN ACTION ON CONTRACT.

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                |                        |
|----------------|------------------------|
| 7 John Doe     | } Confession. No. 615. |
| v.             |                        |
| 8 Richard Roe. |                        |



## PRAECIPE FOR CONFESSION OF JUDGMENT.

To the clerk of said court:

You will please cause judgment by confession to be entered in the above entitled action in favor of the plaintiff and against the defendant for the sum of one thousand dollars (\$1,000) and costs of the action in pursuance of the annexed power of attorney, affidavit and confession.

WILLIAM JONES,  
*Attorney for Plaintiff.*

(Here insert original note and power of attorney.)

## AFFIDAVIT.

William Doe on his oath says that he is the agent of the plaintiff in the above entitled action and that he saw the defendant, Richard Roe, execute the foregoing power of attorney (or, that he is acquainted with the handwriting of the defendant, Richard Roe,) and that the signature purporting to be the signature of the said Richard Roe to the said warrant of attorney is in the handwriting of the said Richard Roe.

Affiant further says that the plaintiff's claim is upon the promissory note to which the foregoing power of attorney is annexed, and there is due the plaintiff from the defendant thereon the sum of one thousand dollars (\$1,000) after allowing to the defendant all his just credits, deductions and set-offs.

WILLIAM DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM BROWN, *Notary Public.*

## IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                      |
|--------------|---|----------------------|
| John Doe     | } | Confession. No. 615. |
| v.           |   |                      |
| Richard Roe. |   |                      |

## CONFESSION OF JUDGMENT.

Richard Roe, the defendant in the above entitled action, being the person in the annexed power of attorney, by Samuel Smith, his attorney, hereby waives service of process and confesses judgment in favor of the plaintiff, John Doe, for the sum of one thousand dollars (\$1,000) and costs of the action.

RICHARD ROE,  
By SAMUEL SMITH,  
*His Attorney.*

2. CONFESSION IN ACTION OF FORCIBLE DETAINER.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe . } Forcible Detainer. No. 221.

PRAECIPE FOR CONFESSION OF JUDGMENT.

To the clerk of said court:

You will please cause judgment by confession to be entered in the above entitled action in favor of the plaintiff and against the defendant for the possession of lot five (5) in block five (5) in the city of Chicago, Illinois, and also for the sum of one hundred dollars (\$100) rent and costs of the action in pursuance of the annexed lease in writing and power of attorney, affidavit and confession.

WILLIAM JONES,  
*Attorney for Plaintiff.*

(Here insert original lease in writing, including power of attorney.)

AFFIDAVIT.

William Doe, being duly sworn, on his oath deposes and says that he is the agent of the plaintiff in the above entitled action and that he saw the defendant, Richard Roe, execute the foregoing lease in writing and power of attorney (or that he is acquainted with the handwriting of the defendant, Richard Roe,) and that the signature purporting to be the signature of the said Richard Roe to the said lease in writing and power of attorney is in the handwriting of the said Richard Roe.

Affiant further says that the plaintiff is lawfully entitled to the possession of the premises described in said lease in writing and that the defendant unlawfully detains the same from the plaintiff, and that there is due to the plaintiff from the defendant for rent under said lease, after allowing to the defendant all his just credits, deductions and set-offs, the sum of one hundred dollars (\$100).

WILLIAM DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM BROWN, *Notary Public.*

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe. } Forcible Detainer. No. 221.

## CONFESSIO OF JUDGMENT.

77

78 Richard Roe, the defendant in the above entitled action, being the person  
 79 mentioned in the above lease in writing and power of attorney, by Samuel Smith,  
 80 his attorney, hereby waives service of process and confesses judgment in favor  
 81 of the plaintiff, John Doe, for the possession of the premises described in said  
 82 lease in writing, to-wit: Lot five (5) in block five (5) in the city of Chicago, Illi-  
 83 nois, and also the sum of one hundred dollars (\$100) rent and the costs of the  
 84 action.

85

RICHARD ROE,

86

By SAMUEL SMITH,

87

*His Attorney.*

Sec. 277. HOW JUDGMENT ENTERED—EFFECT.] Upon the filing of such prae-  
 2 cipe, warrant of attorney, affidavit or affidavits and confession, the clerk may  
 3 present the same to one of the judges of the court or to some other judge au-  
 4 thorized by law to enter judgment, who shall thereupon cause such judgment  
 5 to be entered, or the clerk may, of his own motion enter such judgment. When  
 6 such judgment is entered by direction of the judge the same shall be presumed,  
 7 in any collateral proceeding, to have been duly and properly entered, unless  
 8 the contrary shall affirmatively appear from the judgment itself; but in case  
 9 such judgment be entered by the clerk without any order of any judge, such  
 10 judgment shall be presumed to have been improperly entered, unless the con-  
 11 trary shall appear from such judgment, praecipe, warrant of attorney, affida-  
 12 vit and confession. In every case the judgment entry shall show whether such  
 13 judgment was entered by the judge, or by the clerk of his own motion.

Sec. 278. JUDGMENT AGAINST CO-PARTNERSHIP.] A judgment by confession  
 2 in pursuance of a warrant of attorney can only be entered against the mem-  
 3 bers of a co-partnership when each of the members of the co-partnership  
 4 against whom such judgment is proposed to be rendered has joined in the ex-  
 5 ecution of the warrant of attorney, or has authorized or ratified the execu-  
 6 tion thereof in the firm name. But when any such warrant of attorney has

7 been executed in the firm name by one or more members of a co-partnership  
 8 but the same has not been executed or the execution thereof authorized or rati-  
 9 fied by all the members of such co-partnership, judgment by confession in pur-  
 10 suance thereof may be entered against the individual partner or partners by  
 11 whom such warrant of attorney has been executed, or by whom the execution  
 12 of the same has been authorized or ratified as aforesaid.

Sec. 279. WARRANT OF ATTORNEY, JOINT AND SEVERAL.] A joint warrant of  
 2 attorney for the confession of judgment shall, as against the persons execut-  
 3 ing the same, be deemed to be joint or several, and to authorize the confession  
 4 of a joint judgment against all the makers of such warrant of attorney, or of  
 5 several judgments against one or more of them.

Sec. 280. JUDGMENT AGAINST CORPORATION.] A warrant of attorney to con-  
 2 fess judgment against a corporation may be executed by the president or any  
 3 other officer of the corporation authorized thereto by a resolution of the board  
 4 of directors of such corporation or by the by-laws thereof.

Sec. 281. SEAL NOT NECESSARY.] It shall not be necessary that a war-  
 2 rant of attorney be under seal, but it shall be sufficient that the same be signed  
 3 by the party to be bound thereby or in his name, or in the name of a co-  
 4 partnership of which he was a member at the time of signing the same, by his  
 5 direction or with his consent, or that after the same was signed it was rati-  
 6 fied by him.

Sec. 282. JUDGMENT TO OPERATE AS RELEASE OF ERRORS — PROCEEDINGS TO  
 2 VACATE.] Every judgment by confession entered in pursuance of this Act shall  
 3 operate as a release of all errors in the record thereof, excepting as is herein  
 4 otherwise provided, and no appeal or writ of error shall be prosecuted to re-  
 5 verse the same, but at any time not later than sixty days after service upon  
 6 the defendant of a certified or sworn copy of such judgment and a copy of the



7 praecipe, warrant of attorney, affidavit and confession, the defendant may  
 8 move the court in which judgment has been rendered to vacate the same and  
 9 the method of procedure with respect thereto shall be substantially as fol-  
 10 lows:

11 *First*—DEFENDANT TO FILE APPEARANCE, MOTION, AFFIDAVIT, ETC.] The defend-  
 12 ant shall file with the clerk of the court his appearance in writing and his  
 13 motion to vacate the judgment, and if he demands a trial by jury, he shall so  
 14 specify, and shall also file an affidavit setting forth the facts which he may  
 15 claim to entitle him to have the judgment vacated, and if he claims a defense  
 16 or defenses, he shall also file a specification thereof, and shall cause a copy of  
 17 the papers so filed to be served upon the plaintiff with a notice of the time  
 18 when, place where and judge before whom the motion will be brought on for  
 19 hearing.

20 *Second*—PROCEDURE WHEN DEFENDANT DOES NOT DEMAND JURY.] If the de-  
 21 fendant shall not have demanded a trial by jury the court shall, if the affi-  
 22 davit of the defendant does not set forth facts entitling the defendant to a  
 23 vacation of the judgment and the defendant does not file an additional or  
 24 amended affidavit sufficient to entitle him to such vacation, deny the motion  
 25 to vacate the judgment, but, if the affidavit of the defendant sets forth facts  
 26 entitling the defendant to a vacation of the judgment the court shall proceed  
 27 to hear the evidence introduced by the respective parties, and decide the action  
 28 upon its merits and the judgment shall be as follows:

29 *a*—If the court finds the judgment by confession was duly authorized and  
 30 that it was entered, if for the recovery of money, for the amount then *bona fide*  
 31 due from the defendant to the plaintiff; or, if for the possession of premises,  
 32 that the plaintiff was entitled to recover such possession from the defendant,  
 33 the court shall enter an order confirming the judgment, and the same shall there  
 34 upon stand, in all respects and be enforced as if the same had been duly en-  
 35 tered in an action commenced by summons.

36        *b*—If the court finds a judgment by confession was duly authorized, but  
 37 that it was entered for the recovery of more money than or the recovery of  
 38 premises, in whole or in part, different from the amount of money or the prem-  
 39 ises, the plaintiff was entitled to recover, the court shall correct the judgment,  
 40 by such a credit thereon or deduction therefrom or change thereof, as shall  
 41 make the same conform to the finding of the court as to the rights of the par-  
 42 ties, and the same shall thereupon stand as if the same had been correctly en-  
 43 tered in the first instance.

44        *c*—If the court finds no judgment by confession was authorized, it  
 45 shall vacate and set aside the judgment absolutely; but in such case, if the court  
 46 finds that the plaintiff, either at the time of the entry of such judgment was, or  
 47 at the time of the finding is entitled to a judgment against the defendant upon  
 48 the cause of action which was the cause or supposed cause of action for which  
 49 such judgment was attempted to be entered by the plaintiff, the court shall en-  
 50 ter such judgment as the plaintiff appears to be entitled to at the time of the  
 51 trial, excepting that all the costs of the action shall be paid by the plaintiff.

52        *Third*—PROCEDURE WHEN DEFENDANT DEMANDS JURY.] If the defendant  
 53 shall have demanded a trial by jury, the court shall cause the issues between  
 54 the parties to be tried by jury and shall enter upon the verdict of the jury,  
 55 when the same shall have been approved by the court, such one of the forms  
 56 of judgment provided for in the preceding clause as such verdict may, in con-  
 57 formity therewith, require.

Sec. 283. EXECUTION OF WRIT OF POSSESSION.] No writ of possession under  
 2 any such judgment by confession in an action of forcible detainer shall be  
 3 executed by the bailiff or other officer until the lapse of forty-eight hours after  
 4 the delivery of a copy thereof by the bailiff or other officer to the defendant,  
 5 if the defendant may be found by the bailiff or other officer, or to such other  
 6 person as may be in actual possession of such premises, nor, if the same be

7 occupied as a place of residence by the defendant or his family, shall the writ  
 8 of possession be executed by such bailiff or other officer until the lapse of five  
 9 days after the delivery of such copy to the defendant or to some member of  
 10 his family of the age of fifteen years or upwards, and informing the defendant  
 11 or such member of his family of the purport and nature thereof, and not then  
 12 without a further order of the court when, on account of the sickness of any  
 13 member of the family residing thereon or on account of the inclemency of the  
 14 weather, the same cannot be executed without danger or inhumanity to some  
 15 one or more of the occupants thereof.

Sec. 284. SALE OF PROPERTY UNDER EXECUTION.] No sale of property,  
 2 whether real or personal, shall be made under any execution issued upon a  
 3 judgment by confession until a copy of such execution shall have been deliv-  
 4 ered to the defendant therein until ten days shall have elapsed after such de-  
 5 livery, in case such defendant shall be found by the bailiff in the county in  
 6 which such property is levied upon or in which he may reside; or, if such de-  
 7 fendant is not so found, until such notice shall be given in respect to such  
 8 execution as the court out of which the same is issued shall direct.

Sec. 285. WHEN ACTION MAY BE MAINTAINED.] When an unmarried woman  
 2 shall be pregnant or delivered of a child, in the city of Chicago, which by law  
 3 would be deemed a bastard, she may maintain an action in the municipal court  
 4 against the person accused of being the father of such child in the manner here-  
 5 inafter provided.

Sec. 286. HOW ACTION COMMENCED—COMPLAINT.] Such action shall be com-  
 2 menced by the filing by such unmarried woman of a complaint in the munici-  
 3 pal court.

Sec. 287. REQUISITE OF COMPLAINT—FORMS.] Such complaint shall specify  
 2 the court in which the action is brought, the names of the parties thereto, such

3 unmarried woman to be the plaintiff and the accused person the defendant,  
 4 the classification and number of the action, and shall recite that the plaintiff  
 5 bring her action of bastardy against the defendant and shall thereafter contain  
 6 a recital of the plaintiff's cause of action and shall be verified by the affida-  
 7 vit of the plaintiff that the same is true in substance and in fact. The follow-  
 8 ing forms of complaints shall be deemed sufficient and shall be taken as sug-  
 9 gestions from which other complaints may be properly framed:

10 1. BASTARDY COMPLAINT BY PREGNANT WOMAN.

11 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

12 Mary Roe }  
           v.    } Bastardy. No. 25.  
 13 John Doe. }

14 COMPLAINT.

15 The plaintiff brings her action of bastardy against the defendant and says  
 16 that she is an unmarried woman and that she is pregnant with child in said  
 17 city of Chicago, which child would by law be deemed a bastard, and that the  
 18 defendant is the father of said child.

19 Whereupon plaintiff prays for a warrant according to law.

20 MARY ROE.

21 Mary Roe on her oath says that the matters and things in the foregoing  
 22 complaint alleged are true in substance and in fact. MARY ROE.

23 Subscribed and sworn to before me this 10th day of February, 1908.

24 HENRY JONES, *Clerk*.

25 2. BASTARDY COMPLAINT BY WOMAN AFTER DELIVERY.

26 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

27 Mary Roe }  
           v.    } Bastardy. No. 26.  
 28 John Doe. }

29 COMPLAINT.

30 The plaintiff brings her action of bastardy against the defendant and says  
 31 that she was, on the 10th day of January, 1908, delivered of a male child in  
 32 said city of Chicago, which child by law would be deemed a bastard, and that



33 at the time she was so delivered of said child she was and still is an unmar-  
 34 ried woman, and that the defendant is the father of said child.

35 Wherefore plaintiff prays for a warrant according to law.

36 MARY ROE.

37 Mary Roe on her oath says that the matters and things in the foregoing  
 38 complaint alleged are true in substance and in fact. MARY ROE.

39 Subscribed and sworn to before me this 10th day of February, 1908.

40 HENRY JONES, *Clerk*.

Sec. 288. WARRANT—FORM.] Upon the filing of such complaint in the muni-  
 2 cipal court the court shall order the issuance of a warrant directed to all sheriffs,  
 3 coroners and constables in the State of Illinois and to the bailiff of the municipal  
 4 court of Chicago, commanding them, or such one of them as may receive the  
 5 warrant, to bring the defendant forthwith before the court, and the clerk shall  
 6 thereupon issue such warrant and the same, when issued, may be executed by  
 7 any such officer in any county in this State. Such warrant may be in substan-  
 8 tially the following form:

9 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

10 Mary Roe }  
 11 v. } Bastardy. No. 25.  
 12 John Doe. }

12 The People of the State of Illinois—GREETING to all sheriffs, coroners and con-  
 13 stables in the State of Illinois, and to the bailiff of the municipal court of  
 14 Chicago.

15 We command that you take John Doe and him safely keep so that you may  
 16 have his body instanter before the municipal court of Chicago, at No. 148  
 17 Michigan avenue, Chicago, Illinois, to answer to Mary Roe concerning a charge  
 18 preferred against him by complaint on oath of said Mary Roe, filed in said  
 19 court, of being the father of a bastard child of said Mary Roe, an unmarried  
 20 woman.

21 Witness John Smith, clerk of our said municipal court, and the seal thereof  
 22 at Chicago, Illinois, this 10th day of February, 1908.

23 JOHN SMITH, *Clerk*.

Sec. 289. ISSUE TO BE MADE UP WHEN—HOW ISSUE TRIED.] If, upon his appearance, the defendant denies the charge, the court shall cause an issue to be made up whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury, unless the parties shall elect to waive a trial by jury, in which case the issue shall be tried by the court without a jury.

Sec. 290. RECOGNIZANCE—COMMITMENT OF DEFENDANT.] Pending the trial of such issue and the final disposition of the matter, the court shall require the defendant to enter into a recognizance, in such an amount and with such sureties as the court may deem just, for the appearance of the defendant from day to day until the entry of final judgment, or in default of such recognizance the defendant may be committed to the county jail there to remain until he shall enter into such recognizance, or until he is otherwise discharged by due course of law. Such recognizance may be in substantially one of the following forms:

1. RECOGNIZANCE IN BASTARDY CASE FOR APPEARANCE FROM DAY TO DAY.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

Mary Roe  
v.  
John Doe. } Bastardy. No. 25.

RECOGNIZANCE.

This day personally appeared before the undersigned, judge of the municipal court of Chicago, John Doe, as principal, and Thomas Jones and William Smith, as sureties and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000), to be levied of their goods and chattels, lands and tenements respectively in such manner as law directs.

The condition of this recognizance is such that if the above bounden John Doe shall personally be and appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, from day to day until the entry of final judgment in the above entitled action of bastardy brought therein against him by Mary Roe, an unmarried woman, and shall abide the order of said court

25 in all things and not depart the same without leave, then this recognizance is  
26 to be void; otherwise the same shall be and remain in full force and virtue.

27       Witness our hands and seals at Chicago, Illinois, this 10th day of February,  
28 1908.

29 JOHN DOE, [SEAL.]

30 THOMAS JONES, [SEAL.]

31 WILLIAM SMITH, [SEAL.]

32 Taken, acknowledged and entered into before me this 10th day of February,  
33 1908.

34 HENRY BROWN, *Judge.*

35      2. RECOGNIZANCE IN BASTARDY CASE FOR APPEARANCE AFTER BIRTH OF CHILD.]

36 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |           |                     |
|----|-----------|---------------------|
| 37 | Mary Roe  | } Bastardy. No. 25. |
|    | v.        |                     |
| 38 | John Doe. |                     |

39

RECOGNIZANCE.

40 This day personally appeared before the undersigned judge of the municip-  
41 al court of Chicago, John Doe, as principal, and Thomas Jones and William  
42 Smith, as sureties, and jointly and severally acknowledged themselves to owe  
43 and to be indebted unto the People of the State of Illinois in the penal sum of  
44 one thousand dollars (\$1,000), to be levied of their goods and chattels, lands and  
45 tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden John Doe shall personally be and appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, on the 20th day after the birth of the bastard child of Mary Roe, an unmarried woman, and from day to day thereafter until the entry of final judgment in the above entitled action of bastardy brought therein against him by Mary Roe, an unmarried woman, and shall abide the order of said court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same shall be and remain in full force and virtue.

Witness our hands and seals at Chicago, Illinois, this 10th day of Feb-  
ruary, 1908.

57 JOHN DOE, [SEAL.]

58 THOMAS JONES, [SEAL.]

59 WILLIAM SMITH, [SEAL.]

60 Taken, acknowledged and entered into before me this 10th day of February,  
61 1908.

62 HENRY BROWN, *Judge*.

Sec. 291. NO TRIAL TILL DELIVERY.] No trial of such issue shall be had until  
2 the woman be delivered.

Sec. 292. WHEN DEFENDANT DISCHARGED.] If, upon the trial of the issue  
2 aforesaid, the jury shall find that the child is not the child of the defendant  
3 or alleged father, then the judgment of the court shall be that he be discharged  
4 and that he recover of the plaintiff his costs of the action.

Sec. 293. JUDGMENT FOR PLAINTIFF.] In case the issue be found against  
2 the defendant or reputed father, or whenever he shall in open court have con-  
3 fessed the truth of the accusations against him, he shall be condemned by the  
4 order and judgment of the court to pay to the clerk of the court for the use  
5 of the plaintiff a sum of money not exceeding two hundred dollars (\$200) for  
6 the first year after the birth of such child, and a sum not exceeding one hun-  
7 dred dollars (\$100) yearly for nine years succeeding said first year, for the  
8 support, maintenance and education of such child, and shall moreover be ad-  
9 judged to pay all the costs of the action and in addition thereto an attorney's  
10 fee, to be fixed by the court, for the attorney of the plaintiff not exceeding  
11 one hundred dollars (\$100), and he shall be required by the court to give  
12 bond with sufficient security to be approved by the court, for the payment of  
13 such sums of money, including costs and attorney's fees, as shall be ordered  
14 by the court aforesaid, which said bond shall be made payable to the People  
15 of the State of Illinois, and shall be conditioned for the due and faithful pay-  
16 ment of said yearly sums of money in equal quarterly installments to the  
17 clerk of said court for the use of the plaintiff and for the payment of said  
18 costs and attorney's fees within such time as may be fixed therefor by the court,



19 which bond shall be filed and preserved by the clerk of said court. Such bond  
 20 may be in substantially the following form:

21 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

22 Mary Roe }  
           v.    }  
 23 John Doe. } Bastardy. No. 25.

24 BOND.

25 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and  
 26 Thomas Jones and William Smith, as sureties, are held and firmly bound unto  
 27 the People of the State of Illinois in the penal sum of one thousand dollars  
 28 (\$1,000) for the payment of which well and truly to be made we bind ourselves.  
 29 our heirs, executors, administrators and assigns, jointly and severally, firmly by  
 30 these presents.

31 Witness our hands and seals this 10th day of May, 1908.

32 The condition of the above obligation is such that whereas the municipal  
 33 court of Chicago did, on the 10th day of May, 1908, in a certain action of bas-  
 34 tardy therein pending, brought by Mary Roe against said John Doe, enter a  
 35 judgment requiring the above bounden John Doe to pay to the clerk of said mu-  
 36 nicipal court, for the support, maintenance and education of the bastard child  
 37 of said Mary Roe, an unmarried woman, the sum of two hundred dollars  
 38 (\$200) for the first year after the birth of such child, and the sum of one hun-  
 39 dred dollars (\$100) a year for nine years succeeding said first year, such  
 40 yearly sums to be paid in equal quarterly installments, payable at the end of  
 41 each quarter year after the 10th day of January, 1908, the same being the date  
 42 of the birth of such bastard child, and for the payment of an attorney's fee  
 43 of fifty dollars (\$50), fixed by the court for the attorney of the plaintiff, and  
 44 that the installment accrued at the date of said judgment, amounting to the sum  
 45 of fifty dollars (\$50), together with said attorney's fee of fifty dollars (\$50),  
 46 should be paid by the said John Doe to the clerk of said municipal court, with-  
 47 in ten days from the date of such judgment.

48 Now, if the said John Doe shall duly and faithfully pay, or cause to be  
 49 paid, to the clerk of said municipal court of Chicago, the yearly sums pro-  
 50 vided for in said judgment, in equal quarterly installments in the manner pro-  
 51 vided by said judgment, together with the said attorney's fees, then this obli-

52 gation is to be void; otherwise the same is to be and remain in full force and  
53 effect.

JOHN DOE. (Seal.)

54 THOMAS JONES. (Seal.)

55 WILLIAM SMITH. (Seal.)

56 Approved by me this 10th day of May, 1908.

57 HENRY BROWN, *Judge*.

Sec. 294. COMMITMENT OF DEFENDANT FOR REFUSAL TO GIVE BOND.] In case  
2 the defendant shall refuse or neglect to give such security as may be ordered  
3 by the court, he shall be committed to the jail of the county, or in case there  
4 be a house of correction or work house in such county, then to such house of  
5 correction or work house, there to remain until he shall comply with such or-  
6 der, or until otherwise discharged by due course of law; and if he be commit-  
7 ted to a house of correction or work house he may be required during his con-  
8 finement therein to perform such labor as is required to be performed by  
9 other persons committed to such house of correction or work house. Any per-  
10 son so committed shall be discharged for insolvency or inability to give a bond:  
11 *Provided, however,* that such discharge shall not be made within six months  
12 after such confinement, and that no such discharge shall operate as a satisfac-  
13 tion of the judgment.

Sec. 295. APPLICATION OF QUARTERLY INSTALLMENTS.] The quarterly in-  
2 stallments of the yearly sums aforesaid, when received from the defendant,  
3 shall be laid out and appropriated for the support of such child in such man-  
4 ner as shall be directed by the court; but when a guardian shall be appointed for  
5 such bastard, the money arising from such bond shall be paid over to such  
6 guardian.

Sec. 296. DEFAULT—CITATION--JUDGMENT.] Whenever default shall be  
2 made in the payment of a quarterly installment or any part thereof mentioned  
3 in the bond provided for in the preceding sections, the court shall, upon the

4 application of the mother, guardian or any other person interested in the sup-  
 5 port of such child, issue a citation to the principal and sureties in said bond  
 6 requiring them to appear on some day in said citation mentioned, which shall  
 7 be some Monday at least five (5) days and not more than twenty (20) days after  
 8 the date thereof, and show cause, if any they have, why execution should not  
 9 issue against them for the amount of the installment or installments due and  
 10 unpaid on said bond, which said citation may be served by any officer or per-  
 11 son authorized by this Act to serve a summons at least five (5) days before the  
 12 day fixed therein for the appearance of the parties therein named. Service  
 13 of such citation shall be made in the manner required by this Act for the service  
 14 of a summons in an action at law. If the amount of such installment or in-  
 15 stallments shall not be paid at or before the time mentioned for showing cause  
 16 as aforesaid the court shall render judgment in favor of the People of the  
 17 State of Illinois against the principal and sureties who have been served with  
 18 such citation for the amount unpaid on the installment or installments due on  
 19 said bond and the costs of said proceeding, and such judgment may be en-  
 20 forced by execution in the same manner as a judgment for money in an action  
 21 at law. The petition and citation provided for in this section may be in sub-  
 22 stantially the following forms:

23 1. BASTARDY PETITION FOR CITATION.

24 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

25 Mary Roe. }  
 26 v. John Doe. } Bastardy. No. 25.

27 PETITION FOR CITATION.

28 The plaintiff, by this her petition, says:

29 1. That she is the mother of John Doe, who is the bastard child of the  
 30 defendant in the above entitled action.

31 2. That said John Doe, as principal, and Thomas Jones and William  
 32 Smith, as sureties, did, on the 10th day of May, 1908, give a bastardy judgment



33 bond in the above entitled action in the penal sum of one thousand dollars  
 34 (\$1,000), conditioned for the due and faithful payment of the yearly sums pro-  
 35 vided for in the judgment entered in the above entitled action in equal quar-  
 36 terly installments in the manner provided by said judgment, together with the  
 37 sum of fifty dollars (\$50) attorney's fees.

38 3. That said John Doe has not paid to the clerk of this court the follow-  
 39 ing payments required to be paid by said judgment, to-wit:

40 The fifty dollars (\$50) attorney's fees, payable May 20, 1908.

41 The quarterly installment of fifty dollars (\$50) payable May 20, 1908.

42 The quarterly installment of fifty dollars (\$50) payable August 10, 1908.

43 Wherefore plaintiff prays as follows:

44 *First*—For a citation to said John Doe, Thomas Jones and William Smith  
 45 for their appearance on Monday, September 10, 1908.

46 *Second*—For an order for the issuance of an execution.

47 MARY ROE.

48 Mary Roe on her oath says that she is the plaintiff in the above entitled ac-  
 49 tion and that the matters and things in the foregoing petition alleged are true  
 50 in substance and in fact.

51 MARY DOE.

52 Subscribed and sworn to before me this 25th day of August, 1908.

53 HENRY JONES, *Clerk*.

54 2. CITATION ON A BASTARDY BOND.

55 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

56 Mary Doe }  
       v.        }  
 57 John Doe. } Bastardy. No. 25.

58 CITATION.

59 The People of the State of Illinois—GREETING to John Doe, Thomas Jones and  
 60 William Smith:

61 We hereby command you to personally be and appear before the municipal  
 62 court at Chicago, at No. 148 Michigan avenue, Chicago, Illinois, on Monday the  
 63 10th day of September, 1908, to answer to the petition filed against you in said  
 64 court by Mary Roe in a certain action on bastardy therein lately pending,  
 65 wherein said Mary Roe is plaintiff and said John Doe is defendant.

66 Witness Henry Jones, clerk of said municipal court of Chicago, and the seal  
 67 thereof, at Chicago, Illinois, this 25th day of August, 1908.

68 HENRY JONES, *Clerk*.



Sec. 297. [ALIAS AND PLURIES CITATIONS.] In case any such citation shall not  
 2 be returned served upon any party mentioned therein before the day fixed  
 3 therein for the appearance of such parties an alias citation may be issued and  
 4 a subsequent pluries citation may be issued in any case when a previous alias  
 5 or pluries citation shall not have been served upon a party named therein  
 6 prior to the day fixed in the previous citation for the appearance of such party.

Sec. 298. [COMMITMENT FOR CONTEMPT.] The court shall also have power, in  
 2 case of default in the payment when due of any installment or installments,  
 3 or any part thereof, in the condition of said bond mentioned, to adjudge the  
 4 reputed father of such child guilty of contempt of court by reason of the non-  
 5 payment as aforesaid, and to have him committed to the county jail of the  
 6 county until the amount of such installment or installments so due shall be  
 7 fully paid, together with all costs of such commitment, and in the obtaining  
 8 and enforcing of such judgment and execution as aforesaid; but the commit-  
 9 ment of such reputed father shall not operate to stay or defeat the obtaining  
 10 of judgment and collection thereof by execution as aforesaid: *Provided*, that  
 11 the rendition and collection of judgment, as aforesaid, shall not be construed  
 12 to bar or hinder the taking of similar proceedings for the collection of subse-  
 13 quent installments on said bond as they shall become due and remain unpaid.

Sec. 299. [MOTHER TO RETAIN CUSTODY OF CHILD—EXCEPTION.] The reputed  
 2 father of a bastard child shall not have the right to the custody or control of  
 3 such child, if the mother is living and wishes to retain such custody and con-  
 4 trol, until, after it shall have arrived at the age of ten (10) years, unless,  
 5 upon petition of the county court of the county in which the mother resides, it  
 6 shall, on full hearing of the facts in the case, after notice to the mother, be  
 7 made to appear to said court that said mother is not a suitable person to have  
 8 control and custody of such child.

Sec. 300. CHILD NOT BORN ALIVE--DEATH OF CHILD.] If the said child  
 2 should never be born alive, or, being born alive, should die at any time, and  
 3 the fact shall be suggested upon the record of the court in which the proceedings  
 4 have been brought, then the bond aforesaid shall from thenceforth be void.

Sec. 301. MARRIAGE OF PARENTS OF BASTARD CHILD.] If the mother of any  
 2 bastard child and the reputed father shall, at any time after its birth, inter-  
 3 marry, the said child shall, in all respects, be deemed and held legitimate and  
 4 the bond aforesaid be void.

Sec. 302. LIMITATION.] No prosecution provided for in the preceding sec-  
 2 tions shall be brought after two (2) years from the birth of the bastard child:  
 3 *Provided*, the time any person accused shall be absent from the State shall not  
 4 be computed.

Sec. 303. RELEASE WITH CONSENT OF COUNTY JUDGE -- COMPROMISE.] The  
 2 mother of a bastard child, before or after its birth, may release the reputed  
 3 father of such child from all legal liability on account of such bastard, upon  
 4 such terms as may be consented to in writing by the county judge of the  
 5 county in which such mother resides: *Provided*, a release obtained from such  
 6 mother in consideration of a payment to her of a sum of money less than  
 7 eight hundred dollars (\$800), in the absence of the written consent of the  
 8 county judge, shall not be a bar to an action for bastardy against such father.  
 9 but if, after such release is obtained, an action be instituted against such  
 10 father and the issue be found against him, he shall be entitled to a set-off for  
 11 the amount so paid, and it shall be credited to him as of the first payment or  
 12 payments: *And, provided, further*, that such father may compromise all his  
 13 legal liability on account of such bastard child with the mother thereof without  
 14 the written consent of the county judge, by paying to her any sum not less than  
 15 eight hundred dollars (\$800).

Sec. 304. FORMS OF JUDGMENTS, ORDERS, ETC.] The following forms of

judgments, orders, motion and affidavit, and writ of attachment in bastardy actions shall be deemed sufficient and shall be taken as furnishing suggestions from which other judgments, orders and papers may be properly framed:

1. JUDGMENT ON BASTARDY BOND BY DEFAULT AGAINST ALL THE DEFENDANTS.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|           |   |                                 |
|-----------|---|---------------------------------|
| Mary Roe  | } | Bastardy. No. 50.               |
| v.        |   | August 25, 1908.                |
| John Doe. |   | Before Hon. Henry Brown, Judge. |

This day the court having jurisdiction of the subject matter of this action and of the persons of the defendant, John Doe, and of Thomas Jones and William Smith, sureties on his bond, by service of the citation herein, it is considered by the court, in accordance with the default and assessment of damages heretofore entered herein, that the plaintiff have and recover from the said John Doe, Thomas Jones and William Smith, upon the bastardy bond herein, the sum of one hundred dollars (\$100), with lawful interest thereon from May 20, 1908, and the sum of fifty dollars (\$50), with lawful interest thereon from August 10, 1908.

2. JUDGMENT ON BASTARDY BOND BY DEFAULT AGAINST PART OF DEFENDANTS.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|           |   |                                 |
|-----------|---|---------------------------------|
| Mary Roe  | } | Bastardy. No. 50.               |
| v.        |   | August 25, 1908.                |
| John Doe. |   | Before Hon. Henry Brown, Judge. |

This day the court, having jurisdiction of the subject matter of this action and of the persons of the defendant, John Doe and Thomas Jones, one of the sureties on his bond, by service of the citation herein, the remaining surety, William Smith, not served, it is considered by the court, in accordance with the default and assessment of damages heretofore entered herein against the said defendant, John Doe, and Thomas Jones, that the plaintiff have and recover from the said John Doe and Thomas Jones upon the bastardy bond herein the sum of one hundred dollars (\$100), with lawful interest thereon from May 20, 1908, and the sum of fifty dollars (\$50), with lawful interest thereon from August 10, 1908.

32 3. ORDER MAKING SURETY ON BASTARDY BOND SUBSEQUENTLY SERVED PARTY TO  
33 JUDGMENT PREVIOUSLY ENTERED.

34 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

35 Mary Roe } Bastardy. No. 50.  
36 v. } September 25, 1908.  
37 John Doe. } Before Hon. Henry Brown, Judge.

37 This day the court, having jurisdiction of the subject matter of this ac-  
38 tion and of the person of William Smith, surety on the bastardy bond herein  
39 not previously served, by service of the citation herein, it is considered by  
40 the court, in accordance with the default and assessment of damages hereto-  
41 fore entered herein against the said William Smith that the said William  
42 Smith be and he is hereby made a party to the judgment heretofore entered  
43 against the said defendant, John Doe and Thomas Jones, and that plaintiff  
44 have and recover of the said William Smith, as well as of the said John Doe and  
45 Thomas Jones, the sum of one hundred dollars (\$100), with lawful interest  
46 thereon from May 20, 1908, and the sum of fifty dollars (\$50) with lawful in-  
47 terest thereon from August 10, 1908.

48 4. MOTION AND AFFIDAVIT FOR ATTACHMENT FOR CONTEMPT AGAINST DEFENDANT  
49 FOR NON-PAYMENT OF INSTALLMENT.

50 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

51 Mary Roe } Contempt. No. 75.  
52 v. }  
53 John Doe. }

53 MOTION FOR ATTACHMENT.

54 The plaintiff moves the court for an attachment herein against the defend-  
55 ant for a contempt of court.

56 MARY ROE,  
57 By HENRY JONES,  
58 *Her Attorney.*

59 Mary Roe on her oath says that she is the plaintiff herein and that the de-  
60 fendant, John Doe, has failed to pay to the clerk of this court the installment  
61 of one hundred dollars (\$100) provided in a judgment rendered by this court  
62 on the 10th day of May, 1908, in the case of Mary Roe v. John Doe, Bastardy,  
63 No. 50, to be paid by the defendant, to the clerk of said court on the 20th day of  
64 May, 1908.

65 MARY ROE.  
66 Subscribed and sworn to before me this 25th day of May, 1908.  
67 JOHN SMITH, *Clerk.*



## 68 5. BASTARDY ATTACHMENT FOR CONTEMPT.

69 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

70 Mary Roe }  
           v.    } Contempt. No. 75.  
 71 John Doe. }

72 ATTACHMENT.

73 The People of the State of Illinois—GREETING to the bailiff of the municipal  
 74 court of Chicago:

75 We command you to take John Doe and him safely keep so that you have his  
 76 body forthwith before the municipal court of Chicago at No. 148 Michigan ave-  
 77 nue, Chicago, Illinois, to answer to Mary Roe for a contempt of court in failing  
 78 to pay to the clerk of said court the quarterly installment of fifty dollars (\$50)  
 79 payable May 20, 1908, under the judgment rendered by said court in an action  
 80 of bastardy lately therein pending, wherein the said Mary Roe was plaintiff  
 81 and the said John Doe was defendant.

82 Witness Henry Jones clerk of said municipal court and  
 83 the seal thereof at Chicago, Illinois, this 25th day of  
 84 May, 1908.

85 JOHN SMITH, *Clerk.*

86 6. ORDER COMMITTING DEFENDANT FOR CONTEMPT FOR NON-PAYMENT OF IN-  
 87 STALLMENT.

88 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

89 Mary Roe } Contempt. No. 75.  
           v.    } September 25, 1908.  
 90 John Doe. } Before Hon. Henry Brown, Judge.

91 This day the court, the defendant being present, finds the defendant guilty  
 92 of contempt in failing to pay to the clerk of this court the quarterly installment  
 93 of fifty dollars (\$50) payable May 20, 1908, under the judgment heretofore  
 94 rendered by this court on the 10th day of May, 1908, in the case of Mary Roe  
 95 v. John Doe, Bastardy, No. 50, and doth order that the defendant stand com-  
 96 mitted to the county jail of Cook county until he shall pay the said sum of  
 97 fifty dollars (\$50) with interest at five per cent per annum from May 20, 1908,  
 98 to the clerk of this court, or until he is discharged according to law.

Sec. 305. HOW CONTEMPT MAY BE COMMITTED.] Contempt of the municipal  
 2 court may be committed in either one of the following ways:

3       *First*—MISBEHAVIOR IN PRESENCE OF COURT.] By misbehavior of any person  
4 in the presence of the court or so near thereto as to obstruct the administration  
5 of justice.

6       *Second*—MISBEHAVIOR OF OFFICER OF COURT.] By misbehavior of any officer  
7 of the court in an official transaction.

8       *Third*—DISOBEDIENCE OF WRIT OR ORDER.] By disobedience or resistance by  
9 any officer of the court or by any party, juror, witness, or other person to any  
10 lawful writ, process, order, rule, decree or command of the court.

Sec. 306. NO OTHER ACT TO BE PUNISHED AS CONTEMPT.] The municipal  
2 court shall have no power to punish, as a contempt of court, any act unless the  
3 same is included in those specified in the preceding section, or is expressly de-  
4 clared to be a contempt of court by some other provision of this Act.

Sec. 307. CONTEMPTS CIVIL AND CRIMINAL—DEFINITIONS.] Contempts may  
2 be either civil or criminal. A civil contempt shall consist of wilful disobedience  
3 by any party to a civil or quasi criminal action of an order made by the court  
4 in such action for the benefit of the opposing party therein. Every other con-  
5 tempt shall be deemed a criminal contempt.

Sec. 308. PUNISHMENT OF CIVIL CONTEMPT.] When the contempt is a  
2 civil contempt the punishment therefor may be as follows:

3       *First*—REFUSAL TO DO SOMETHING ORDERED TO BE DONE.] When the con-  
4 tempt consists in the wilful refusal of the defendant to do something directed  
5 by the order of the court to be done by him, the punishment shall be a fine  
6 not exceeding five hundred dollars (\$500), which fine when collected shall be  
7 paid to the plaintiff, and, in addition to such fine the court may sentence the  
8 defendant to imprisonment in the county jail, house of correction or work  
9 house, until the defendant does the thing directed by the order of the court to  
10 be done or until he is discharged according to law.

11       *Second*—DOING SOMETHING FORBIDDEN TO BE DONE.] When the contempt con-  
 12 sists in the doing by the defendant of something which he is forbidden by the  
 13 order to do, the punishment shall be a fine in such sum as, in the opinion of the  
 14 court, will compensate the party in whose favor the order has been entered for  
 15 the wrongful act of the defendant, which fine when collected shall be paid to  
 16 the plaintiff and, in addition to such fine the court may sentence the defend-  
 17 ant to imprisonment in the county jail, house of correction or workhouse for  
 18 not exceeding six months and until such time thereafter as the defendant shall  
 19 give security for future compliance by him with the order of the court, or until  
 20 he shall be discharged according to law.

21       *Third*—WHEN DEFENDANT IS CORPORATION.] When the contempt is com-  
 22 mitted by a corporation the fines in the two preceding clauses provided for  
 23 shall be imposed upon the corporation and the imprisonment therein provided  
 24 for may be imposed upon such officer or officers, agent or agents, of the cor-  
 25 poration as the court may find to be responsible for the commission of the  
 26 contempt, or the court may, in its discretion, in lieu of or in addition to the  
 27 imprisonment of such officer or officers, agent or agents, appoint a receiver  
 28 of the property of such corporation during such time as may be necessary to  
 29 secure compliance by the corporation with the order of the court, the expenses  
 30 of such receivership to be borne by such corporation.

      Sec. 309. PUNISHMENT OF CRIMINAL CONTEMPT.] When the contempt is a  
 2 criminal contempt the punishment therefor may be a fine not exceeding one  
 3 thousand dollars (\$1,000), or imprisonment in the county jail, house of cor-  
 4 rection or workhouse, not exceeding one year, or both, in the discretion of the  
 5 court. When the contempt is committed by a corporation the fine in this sec-  
 6 tion provided for shall be imposed upon the corporation, and the imprisonment  
 7 may be imposed upon such officer or officers, agent or agents, of the corpo-  
 8 ration as the court may find to be responsible for the commission of the  
 9 contempt.

Sec. 310. ACTION OF CONTEMPT.] Punishment of a party guilty of contempt of the municipal court may be obtained by an action brought in said municipal court.

Sec. 311. IN WHOSE NAME ACTION COMMENCED.] When the contempt sought to be punished is a civil contempt the action shall be commenced in the name of the person in whose favor or for whose benefit the order disobeyed has been entered, or by some person interested as successor in right or title or otherwise in the enforcement of the order. When the contempt sought to be punished is a criminal contempt the action shall be commenced in the name of the People of the State of Illinois.

Sec. 312. HOW ACTION OF CIVIL CONTEMPT COMMENCED—FORMS.] An action of contempt, when the contempt is civil, shall be commenced by the filing and entering by the plaintiff in the municipal court of a motion by the plaintiff for a rule upon the defendant to show cause why the defendant shall not be punished for a contempt of court, accompanied by an affidavit of the plaintiff, his agent or attorney, setting forth the facts relied upon by the plaintiff in support of the motion with proof of the service upon the defendant, or upon the defendant's attorney, of notice of the motion and of a copy of the affidavit. The following forms of motions and affidavits and proofs of service accompanying the same in cases of civil contempt shall be deemed sufficient and shall be taken as furnishing suggestions from which other similar papers may be properly framed.

1. MOTION FOR AFFIDAVIT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE SHOULD NOT BE PUNISHED FOR A CIVIL CONTEMPT IN REFUSING TO PAY MONEY.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|           |   |                   |
|-----------|---|-------------------|
| Mary Doe  | } | Contempt. No. 16. |
| v.        |   |                   |
| John Doe. |   |                   |



MOTION FOR RULE TO SHOW CAUSE.

The plaintiff, Mary Doe, moves the court for a rule upon the defendant to show cause why he should not be punished for a civil contempt of court.

MARY DOE,  
By HENRY JONES,  
*Her Attorney.*

Mary Doe, on her oath, says that she is the plaintiff herein and that the defendant, John Doe, has wilfully refused to pay to the plaintiff the sum of one hundred dollars (\$100), which sum the said defendant was required to pay to the plaintiff on the 20th day of February, 1908, by the order of this court entered in the case of Mary Doe v. John Doe, In Equity, No. 87, on the 10th day of February, 1908.

MARY DOE.  
Subscribed and sworn to before me this 25th day of February, 1908.  
JOHN SMITH, *Clerk.*

2. NOTICE OF MOTION FOR RULE TO SHOW CAUSE IN CASE OF CIVIL CONTEMPT AND PROOF OF SERVICE OF COPY OF MOTION AND AFFIDAVIT.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

Mary Doe }  
v. } Contempt. No. 16.  
John Doe. }

To the defendant in the above entitled action:

You are hereby notified that at 10 o'clock, A. M., on Thursday, the first day of March, 1908, I shall move the court, before Hon. John Jones, Judge, for a rule upon you to show cause why you should not be punished for a civil contempt of court of which motion and the affidavit in support thereof copies are hereunto attached.

MARY DOE,  
By HENRY JONES,  
*Her Attorney.*

AFFIDAVIT OF SERVICE.

William Brown, on his oath, says that he is a resident of Chicago, Illinois, and is above the age of eighteen years; that he is employed as a clerk in the office of Henry Jones, the attorney for the plaintiff in the above entitled action; and that on the 26th day of February, 1908, he delivered to the

52 above named John Doe, at Chicago, Illinois, the notice of which the above is  
 53 a copy and also copies of the motion and affidavit mention in said notice.

54 WILLIAM BROWN,  
 55 Subscribed and sworn to before me this 27th day of February, 1908.

56 JOHN SMITH, *Clerk.*

57 3. MOTION AND AFFIDAVIT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE  
 58 SHOULD NOT BE PUNISHED FOR A CIVIL CONTEMPT IN VIOLATING AN INJUNCTION  
 59 ORDER.

60 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

61 John Doe  
     v.  
 62 Richard Roe. } Contempt. No. 25.

63 MOTION FOR RULE TO SHOW CAUSE.

64 The plaintiff, John Doe, moves the court for a rule upon the defendant,  
 65 Richard Roe, to show cause why he should not be punished for a contempt  
 66 of court.

67 JOHN DOE,  
 68 By HENRY JONES,  
 69 *His Attorney.*

70 AFFIDAVIT.

71 John Doe, on his oath, says that he is the plaintiff herein and that the  
 72 defendant, Richard Roe, did, on the 20th day of February, 1908, sell and trans-  
 73 fer to one William Roe, at Chicago, Illinois, a promissory note dated January  
 74 2, 1907, for the sum of five hundred dollars (\$500), made by the plaintiff  
 75 and payable to the order of the defendant at Chicago, Illinois, six months  
 76 after date with interest at 6 per cent per annum for value received, in vio-  
 77 lation of the injunction order entered by this court in the case of John Doe v.  
 78 Richard Roe, In Equity, No. 85, on the 10th day of February, 1908.

79 JOHN DOE.

80 Subscribed and sworn to before me this 23d day of February, 1908.

81 JOHN SMITH, *Clerk.*

Sec. 313. PROCEDURE WHEN DEFENDANT FAILS TO APPEAR—FORMS.] If the  
 2 defendant fails to appear at the time specified in the notice the court may, if,  
 3 in its opinion, the facts set forth in the affidavit filed by the plaintiff justify

4 it, order the issuance of an attachment to bring the defendant before the  
5 court. Such attachment may be in substantially the following form:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

7 Mary Doe }  
v. } Contempt. No. 16.  
8 John Doe. }

9 ATTACHMENT FOR CONTEMPT.

10 To the People of the State of Illinois—GREETING to the bailiff of the municipal  
11 court of Chicago:

12 We command you that you take the body of John Doe, if he be found in  
13 your county, and bring him instanter before the municipal court of Chicago,  
14 at No. 148 Michigan avenue, Chicago, Illinois, to answer to the above entitled  
15 action for a contempt of court.

16 Witness John Smith, clerk of said municipal court, at  
17 Chicago aforesaid this first day of March, 1908.

18 JOHN SMITH, *Clerk.*

Sec. 314. PROCEDURE WHEN DEFENDANT APPEARS AND ADMITS, ETC.—FOUND

2 GUILTY—FORM OF JUDGMENT.] If the defendant appears at the time specified  
3 in the notice and admits the truth of the facts set forth in the affidavit or  
4 does not deny the same by counter-affidavit, and the court is of the opinion  
5 that the facts set forth in the affidavit justify it, the court may enter a judg-  
6 ment adjudging the defendant guilty of a contempt of court and imposing upon  
7 him the punishment hereinbefore provided, which judgment may be in substan-  
8 tially the following form:

9 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

10 Mary Doe }  
v. } Contempt. No. 16.  
11 John Doe. } March 3, 1908.  
Before Hon. John Jones, Judge.

12 This day the court, the defendant being present and admitting the truth  
13 of the facts set forth in the affidavit herein, finds the defendant guilty of a  
14 civil contempt of court herein, and thereupon, in accordance with such finding,

—M C

15 the court doth sentence the defendant to pay to the plaintiff a fine of fifty dol-  
 16 lars (\$50) and the plaintiff's costs of the action and also to be imprisoned in  
 17 the county jail of Cook county for the period of ten days from and after his  
 18 delivery to the keeper thereof, and doth order that the defendant further stand  
 19 committed to the county jail of Cook county until said fine and costs are paid  
 20 and until he further pays to the plaintiff the sum of one hundred dollars  
 21 (\$100) which the defendant was required to pay to the plaintiff on the 20th  
 22 day of February, 1908, by the judgment of this court entered in the action of  
 23 Mary Doe v. John Doe, Bastardy, No. 87, on the 10th day of February, 1908,  
 24 or until the defendant is discharged according to law.

Sec. 315. PROCEDURE WHEN DEFENDANT APPEARS AND DENIES, ETC.—FORM OF  
 2 JUDGMENT.] If the defendant appears at the time specified in the notice and  
 3 denies the truth of the facts set forth in the affidavit by counter-affidavit and  
 4 the court is of the opinion that the facts set forth in the affidavit of the  
 5 plaintiff constitute a contempt, the court shall proceed to hear the evidence  
 6 produced by the respective parties and, at the request of either party, shall  
 7 require such evidence to be given by the testimony of witnesses in open court,  
 8 and, if the court finds the defendant guilty of the contempt charged, the court  
 9 shall enter an order adjudging the defendant guilty of such contempt and im-  
 10 posing upon him the punishment hereinafter provided, which order may be in  
 11 substantially the following form:

12 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

13 Mary Doe } Contempt. No. 16.  
           v.    } March 3, 1910.  
 14 John Doe. } Before Hon. John Jones, Judge.

15 This day the court, the defendant being present and denying the truth of  
 16 the facts set forth in the affidavit herein, hears the evidence and finds the de-  
 17 fendant guilty of a civil contempt of court herein and thereupon in accord-  
 18 ance with such finding the court doth sentence the defendant to pay to the  
 19 plaintiff a fine of twenty-five dollars (\$25) and the plaintiff's costs of the  
 20 action and also to be imprisoned in the county jail of Cook county for the  
 21 period of ten days from and after his delivery to the keeper thereof and doth  
 22 order that the defendant further stand committed to the county jail of Cook



23 county until the said fine and costs are paid and also until he further pays to  
 24 the plaintiff the sum of one hundred dollars (\$100) which the defendant was  
 25 required to pay to the plaintiff on the 20th day of February, 1908, by the  
 26 judgment of this court entered in the action of Mary Doe v. John Doe, Bas-  
 27 tardy, No. 87, on the 10th day of February, 1908, or until the defendant is  
 28 discharged according to law.

Sec. 316. PROCEDURE WHEN DEFENDANT NOT GUILTY—FORM OF ORDER.] If  
 2 the defendant appears at the time specified in the notice and the court is of  
 3 the opinion that the facts set forth in the affidavit do not constitute a contempt  
 4 of court, or if the defendant denies the facts set forth in such affidavit by  
 5 counter-affidavit and, upon the trial, the court finds the defendant not guilty of  
 6 the contempt charged, the court shall enter an order adjudging the defendant  
 7 not guilty of such contempt and rendering judgment against the plaintiff for  
 8 costs, and, if the court finds the prosecution of the charge of contempt was vex-  
 9 atious, the court may also render judgment against the plaintiff for such  
 10 damages, not exceeding fifty dollars (\$50), as the court may deem proper.  
 11 Such order may be insubstantially the following form:

12           IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                                |
|-----------------|--------------------------------|
| 13 John Doe     | } Contempt. No. 75.            |
| 14        v.    |                                |
| 14 Richard Roe. |                                |
|                 | February 10, 1908.             |
|                 | Before Hon. John Jones, Judge. |

15       This day the defendant denying the truth of the facts set forth in the  
 16 affidavit herein, the court hears the evidence and finds the defendant not guilty  
 17 of a civil contempt of court, and the court further finds that the prosecution  
 18 of the charge of contempt herein was vexatious and thereupon upon considera-  
 19 tion thereof the court doth order that the defendant pay to the plaintiff as  
 20 damages the sum of twenty-five dollars (\$25) together with the plaintiff's  
 21 costs of the action.

Sec. 317. IN WHOSE NAME CRIMINAL CONTEMPT PROSECUTED.] A criminal  
 2 contempt shall be prosecuted by an action commenced in the name of the Peo-  
 3 ple of the State of Illinois and against the defendant.

Sec. 318. PROCEDURE WHEN CONTEMPT IS IN PRESENCE OF COURT—FORM OF JUDGMENT.] When the criminal contempt consists of misbehavior of any person in the actual presence of the court, the same may be punished summarily without the filing of any affidavit or other paper or the hearing of witnesses. It shall be unnecessary in any such case for the judgment to recite the facts constituting the contempt but the court shall, at any time within ten days after the entry of the order, when requested so to do by the defendant, sign and place on file as a part of the record of the action a report of the proceedings in which shall be correctly set forth the evidentiary facts establishing such contempt. A judgment for contempt in such case may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                   |                         |
|----|-------------------|-------------------------|
| 13 | The People of the | } Criminal. No. 75.     |
| 14 | State of Illinois |                         |
| 15 | Richard Roe.      |                         |
|    | v.                | February 10, 1908.      |
|    |                   | Hon. John Jones, Judge. |

This day the court, the defendant being present, finds the defendant guilty of a criminal contempt of court by misbehavior in the presence of the court and, in accordance with such finding, doth sentence the defendant to pay a fine of twenty-five dollars (\$25) and the costs of the action and doth order that the defendant stand committed to the county jail of Cook county until the fine and costs are paid or until the defendant is otherwise discharged according to law.

Sec. 319. PROCEDURE WHEN CONTEMPT IS NOT IN PRESENCE OF COURT.] When a criminal contempt is committed other than by misbehavior of the defendant in the presence of the court the action shall be instituted by the filing and entering, by the State's attorney, or by some other person, in the name of the People of the State of Illinois, as plaintiff, in the municipal court, of a motion by the plaintiff for a rule upon the defendant to show cause why the defendant should not be punished for a contempt of court, accompanied by a complaint verified by an affidavit of some credible person setting forth the

9 facts relied upon by the plaintiff in support of the motion with proof of the  
 10 service upon the defendant of notice of the motion and of a copy of the com-  
 11 plaint, or, the court may, in the first instance, in its discretion, issue a writ  
 12 of attachment to bring the defendant before the court. Upon the appearance  
 13 of the defendant the same proceedings shall be had substantially as hereinbe-  
 14 fore provided for in a case of civil contempt.

Sec. 320. FORMS.] The following forms of motion and complaint and  
 2 judgment in a case of criminal contempt shall be deemed sufficient and shall  
 3 be taken as furnishing suggestions from which other similar papers, orders and  
 4 judgments may be properly framed:

5 1. MOTION AND COMPLAINT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE  
 6 SHOULD NOT BE PUNISHED FOR A CRIMINAL CONTEMPT.

7 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

8 The People of the }  
 9 State of Illinois } Criminal. No. 100.  
 10 v. }  
 11 Richard Roe.

12 MOTION FOR RULE TO SHOW CAUSE.

13 The plaintiff moves the court for a rule upon the defendant to show cause  
 14 why he should not be punished for a criminal contempt of court.

15 WILLIAM SMITH,  
 16 *State's Attorney of Cook*  
*County, Illinois.*

17 COMPLAINT.

18 William Smith, State's attorney of Cook county, in the name and by the  
 19 authority of the People of the State of Illinois, complains that Richard Roe,  
 20 the defendant above named, did, on the 8th day of February, 1908, in said Cook  
 21 county, assault and beat James Brown, the bailiff of said court, while he, the  
 22 said bailiff, was in the act of delivering to said William Smith a summons  
 23 issued out of said court in the case of John Doe v. Richard Roe, Tort, No. 87,  
 24 against the peace and dignity of the People of the State of Illinois.

25 WILLIAM SMITH.

26 James Brown, on his oath, says he is the sheriff of Cook county and that  
27 the matters and things set forth in the foregoing complaint are true.

28 JAMES BROWN.

29 Subscribed and sworn to before me this 10th day of February, 1908.

30 JOHN SMITH, *Clerk*.

31 2. JUDGMENT AGAINST DEFENDANT IN ACTION FOR CRIMINAL CONTEMPT NOT  
32 COMMITTED IN PRESENCE OF COURT.

33 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

34 The People of the } Criminal. No. 100.

35 State of Illinois }

36 v. } February 12, 1908.

Richard Roe. } Before Hon. John Jones, Judge.

37 This day, the defendant being present, the court hears the evidence and  
38 finds the defendant guilty of a criminal contempt of court herein and there-  
39 upon in accordance with such finding the court doth sentence the defendant  
40 to pay a fine of fifty dollars (\$50) and the costs of the action and also to be  
41 imprisoned in the county jail of Cook county for the period of sixty days from  
42 and after his delivery to the keeper thereof and doth order that the defend-  
43 ant further stand committed to the county jail of Cook county until the said  
44 fine and costs are paid or until the defendant is discharged according  
45 to law.

Sec. 321. LIEN OF JUDGMENTS—REGISTERED LAND.] A judgment for money  
2 of the municipal court when the amount due thereon, exclusive of interest and  
3 costs, exceeds twenty-five dollars (\$25) shall be a lien on the real estate of the  
4 person against whom it is obtained situated within the city of Chicago from the  
5 time the same is rendered or revived for the period of seven years and no  
6 longer: *Provided, however*, that there shall be no priority of the lien of one  
7 judgment of the municipal court over that of another rendered within the same  
8 calendar month. But no lien provided for in this or any other section of this  
9 Act shall take effect as to registered land until compliance by the person claim-  
10 ing the benefit of such lien or by some person of or under whom he has  
11 acquired the claim constituting the lien with the provisions of the laws which



may be in force from time to time relating to the registration of land titles, nor shall registered land be affected by any other provision of this Act excepting upon compliance with the said last mentioned laws. Upon the filing in the office of the clerk of the circuit court of any county in this State of a transcript of any such judgment rendered by the municipal court, such judgment shall have a like force and effect and shall be a lien upon the real estate of the party against whom the same is obtained in such county where filed, to the same extent as if the same had been rendered upon the day on which such transcript is filed by the circuit court of the county where filed and execution may issue thereon out of the circuit court of said county in like manner as out of said municipal court: *Provided, however,* that such judgment shall not be a lien on real estate for more than the period of seven years from the time the same is rendered or revived.

Sec. 322. HOW ORDERS, JUDGMENTS AND DECREES ENFORCED.] The orders, judgments and decrees of the municipal court, excepting as may be otherwise provided by this Act, shall have the same force, be of the same effect and be executed and enforced in the same manner as the orders, judgments and decrees of the circuit court of Cook county. In all cases executions issued on judgments of the municipal court when against lands, tenements, goods and chattels of the defendants within the city of Chicago shall be directed to the bailiff, or, in case he is disqualified from acting, then to the sheriff of Cook county and shall be a lien upon all the personal property of the defendants situated within the city of Chicago from the time they are delivered to the bailiff or to the sheriff, to the same extent as executions issued out of the circuit court of Cook county when delivered to the sheriff, and may be levied upon the property, real or personal, of the defendants at any place within the city of Chicago to the same extent as executions issued out of the circuit court of Cook county. Executions against the lands and tenements, goods and chattels

16 of the defendants outside of the city of Chicago shall be directed to the sheriff,  
 17 or in case he is disqualified from acting, to the coroner of the county in which  
 18 such lands and tenements, goods and chattels are situated, but no execution up-  
 19 on a judgment of the municipal court when the amount due thereon, exclusive  
 20 of interests and costs does not exceed twenty-five dollars (\$25) shall be a lien  
 21 on the real estate of the person against whose lands and tenements, goods and  
 22 chattels the same is issued until the same shall be levied thereon and a certifi-  
 23 cate of such levy filed in the recorder's office of the county in which real  
 24 estate is situated and, in case of registered land or any estate or interest  
 25 therein, until a certified transcript of the judgment is filed in the office of the  
 26 registrar of titles of the county in which such real estate is situated, and a  
 27 memorial of the same is entered upon the register of the land certificate of title  
 28 to be effected.

Sec 323. JUDGMENT EXCEEDING \$25 EXCLUSIVE OF COSTS—HOW PROCEEDED  
 2 UNDER.] Any judgment of the municipal court for the payment of money here-  
 3 tofore or hereafter rendered, when the amount due thereon, exclusive of in-  
 4 terest and costs, exceeds twenty-five dollars (\$25), may also be proceeded under  
 5 by a supplementary proceeding, or creditor's bill, as hereinafter provided.

Sec. 324. CITATION AFTER RETURN OF EXECUTION.] At any time within seven  
 2 years after the entry of such judgment and upon the return, wholly or  
 3 partly unsatisfied, of an execution issued thereon, the judgment creditor shall,  
 4 upon petition therefor, be entitled, as a matter of course, and without an order  
 5 of court, to a citation requiring the judgment debtor or any other person whom  
 6 or corporation which the judgment creditor may believe to have personal prop-  
 7 erty of the debtor not exempt from execution or garnishment, or to be indebted  
 8 to such judgment debtor in a sum exceeding the amount exempt by law from  
 9 garnishment, or to have title to or possession or control of property conveyed,  
 10 transferred or otherwise disposed of by the judgment debtor with the intent

11 to disturb, delay, hinder or defraud his creditors, or other persons, to attend  
 12 before the court and be examined under oath concerning such debtor's prop-  
 13 erty at the time and place specified in the citation: *Provided, however,* that if  
 14 the defendant or other person to be cited neither resides nor has a place of  
 15 business within the county of Cook such citation shall require such defendant  
 16 or other person to attend before the county court of the county, if any, in  
 17 which such defendant or other person resides or has a place of business.

Sec. 325. REQUISITES OF PETITION—CITATION—FORMS.] The petition pro-  
 2 vided for in the preceding section shall specify the court in which the proceed-  
 3 ing is brought, the names of the parties thereto, together with its classification  
 4 and number, the date and amount of the judgment, and the title, classification  
 5 and number of the action in which the judgment was rendered. It shall also  
 6 state the date of the issuance and return of the execution, that the same was  
 7 returned wholly or partially unsatisfied, and the amount due thereon, exclusive  
 8 of interest and costs, and shall specify the day and hour when the defendant  
 9 is to be required to appear, which day shall be not less than three (3) nor more  
 10 than fifteen (15) days after the date of the citation. The court shall, by rule,  
 11 fix the days and the hours thereof for the attendance and examination of judg-  
 12 ment debtors and other persons in supplementary proceedings and the petition  
 13 shall specify the day and hour of the appearance of the person to be examined  
 14 accordingly. Upon the presentation of the petition, if the same appears to be in  
 15 due form, the clerk shall file the same and issue the citation in accordance with  
 16 the prayer thereof. The following forms of petitions and citations shall be  
 17 deemed sufficient and shall be taken as furnishing suggestions from which other  
 18 petitions and citations may be properly framed:

19 1. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AFTER RETURN OF EXECUTION. |

20 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                                     |
|-----------------|-------------------------------------|
| 21 John Doe     | } Supplementary Proceeding. No. 25. |
| 22 v.           |                                     |
| 22 Richard Roe. |                                     |



PETITION FOR CITATION..

The plaintiff says:

1. That on February 10, 1908, he recovered a judgment against the defendant in said municipal court in the case of John Doe v. Richard Roe, Contract, No 17, for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on said judgment and delivered to the bailiff of said court and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is five hundred dollars (\$500).

Wherefore plaintiff prays for a citation to said defendant, Richard Roe, requiring the defendant's appearance for examination at ten o'clock, a. m. on Tuesday, June 1, 1908.

JOHN DOE,

By THOMAS JONES,

*Plaintiff's Attorney.*

John Doe on his oath says that he is the plaintiff in the above petition, and that the matters and things therein alleged are true in substance and in fact.

JOHN DOE.

Subscribed and sworn to before me this 25th day of May, 1908.

JOHN SMITH, *Clerk.*

(If the affidavit is made by an attorney or agent of the petitioner, it may be in the following form:)

Thomas Jones on his oath says that he is the attorney (or agent, as the case may be) of the above named plaintiff, John Doe, and that the matters and things therein alleged are true to the best of his knowledge, information and belief.

THOMAS JONES.

Subscribed and sworn to before me this 25th day of May, 1908.

JOHN SMITH, *Clerk.*

2. PETITION FOR CITATION OF CORPORATION DEBTOR AFTER RETURN OF EXECUTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe

v.

Chicago Insurance  
Company.

} Supplementary Proceeding. No. 26.



## PETITION FOR CITATION.

The plaintiff says:

1. That on February 10, 1908, he recovered a judgment against said defendant in said municipal court in the case of John Doe v. Chicago Insurance Company, Contract, No. 18, for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on the said judgment and delivered to the bailiff of said court, and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is five hundred dollars (\$500).

Wherefore plaintiff prays for a citation to said defendant, Chicago Insurance Company, requiring the defendant's appearance at ten o'clock a. m. on Tuesday, June 1, 1908, and the attendance of Henry Brown, the secretary of said Chicago Insurance Company, for examination under oath concerning the property of said defendant.

JOHN DOE,

By THOMAS JONES,

*Plaintiff's Attorney.*

(Here add affidavit verifying petition as in first form.)

### 3. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND ANOTHER INDIVIDUAL AFTER RETURN OF EXECUTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                                      |
|--------------|--------------------------------------|
| John Doe     | } Supplementary Proceedings. No. 27. |
| v.           |                                      |
| Richard Roe. |                                      |

### PETITION FOR CITATION.

The plaintiff says:

1. That on February 12, 1908, he recovered a judgment against said defendant in said municipal court in the case of John Doe v. Richard Roe, Contract, No. 21, for the sum of one thousand dollars (\$1,000), together with costs of the action taxed at eight dollars (\$8).

2. That on February 14, 1908, execution was duly issued on said judgment and delivered to the bailiff of said court, and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is one thousand dollars (\$1,000).

103 JOHN DOE,  
104 By THOMAS JONES.  
105 *Plaintiff's Attorney.*

107 4. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND A CORPORATION AFTER  
108 RETURN OF EXECUTION.

110 John Doe } Supplementary Proceeding. No. 28.  
           v.  
 111 Richard Roe. }

113      The plaintiff says:

114       1. That on February 10, 1908, he recovered a judgment against said de-  
115 fendant in said municipal court in the case of John Doe v. Richard Roe, Con-  
116 tract, No. 19, for the sum of two thousand dollars (\$2,000), together with  
117 costs of such action taxed at eight dollars (\$8).

118       2. That on February 12, 1908, execution was duly issued on said judg-  
119   ment and delivered to the bailiff of said court, and was on May 1, 1908, duly  
120   returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest  
and costs, is two thousand dollars (\$2,000.)

123        4. That plaintiff believes that the Chicago Insurance Company has per-  
124        sonal property of said defendant, Richard Roe, not exempt from execution or  
125        garnishment, or is indebted to said defendant, Richard Roe, in a sum exceed-  
126        ing the amount exempt by law from garnishment.

127       Wherefore plaintiff prays for citations to said defendant, Richard Roe,  
128   and said Chicago Insurance Company, requiring their appearance at ten o'clock  
129   a. m. on Tuesday, June 11, 1908, for the examination of the defendant and

Henry Smith, the secretary of said Chicago Insurance Company, concerning the property of said defendant, Richard Roe.

JOHN DOE,  
By THOMAS JONES,  
*Plaintiff's Attorney.*

(Here add affidavit verifying petition as in first form.)

5. PETITION FOR CITATION OF CORPORATION DEBTOR AND AN INDIVIDUAL AFTER RETURN OF EXECUTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| John Doe          | } | Supplementary Proceeding. No. 29. |
| v.                |   |                                   |
| Chicago Insurance |   |                                   |
| Company.          |   |                                   |

PETITION FOR CITATION.

The plaintiff says:

1. That on February 10, 1908, he recovered a judgment against said defendant in said municipal court in the case of John Doe v. Chicago Insurance Company, Contract, No. 18, for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on the said judgment and delivered to the bailiff of said court, and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interests and costs, is five hundred dollars (\$500).

4. That plaintiff believes that Richard Roe has personal property of said defendant, Chicago Insurance Company, not exempt from execution or garnishment, or is indebted to said defendant, Chicago Insurance Company, in a sum exceeding the amount exempt by law from garnishment.

Wherefore plaintiff prays for citations to said defendant, Chicago Insurance Company, and said Richard Roe, requiring their appearance at ten o'clock a. m. on Tuesday, June 1, 1908, for the examination of Henry Smith, the secretary of said Chicago Insurance Company, and said Richard Roe, concerning the property of said defendant.

JOHN DOE,  
By THOMAS JONES,  
*Plaintiff's Attorney.*

(Here add affidavit verifying petition as in first form.)

166 6. PETITION FOR CITATION OF SEVERAL INDIVIDUAL DEBTORS AFTER RETURN OF  
167 EXECUTION.

168 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

169 John Doe  
170 v.  
171 Richard Roe and } Supplementary Proceeding. No. 30.  
Thomas Jones. }

172 PETITION FOR CITATION.

173 The plaintiff says:

174 1. That on February 10, 1908, he recovered a judgment against said de-  
175 fendant in said municipal court in the case of John Doe v. Richard Roe and  
176 Thomas Jones, Contract, No. 23, for the sum of three thousand dollars  
177 (\$3,000), together with costs of the action taxed at eight dollars (\$8).

178 2. That on February 12, 1908, execution was duly issued on said judg-  
179 ment and delivered to the bailiff of said court, and was on May 1, 1908, duly re-  
180 turned by said bailiff wholly unsatisfied.

181 3. That the amount due plaintiff on said judgment, exclusive of interest  
182 and costs, is three thousand dollars (\$3,000).

183 Wherefore plaintiff prays for a citation to said defendants requiring their  
184 appearance for examination at ten o'clock a. m. on Tuesday, June 1, 1908.

185 JOHN DOE,

186 By THOMAS JONES,  
187 Plaintiff's Attorney.

188 (Here add affidavit verifying petition as in first form.)

189 7. PETITION FOR CITATION OF INDIVIDUAL DEBTORS AND OTHER INDIVIDUALS  
190 AFTER RETURN OF EXECUTION.

191 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

192 John Doe  
193 v.  
194 Richard Roe and } Supplementary Proceeding. No. 31.  
Thomas Jones. }

195 PETITION FOR CITATION.

196 The plaintiff says:

197 1. That on February 10, 1908, he recovered a judgment against said de-  
198 fendants in said municipal court in the case of John Doe v. Richard Roe and  
199 Thomas Jones, Contract, No. 24, for the sum of three thousand dollars  
200 (\$3,000), together with costs of the action taxed at eight dollars (\$8).



201 2. That on February 12, 1908, execution was duly issued on said judg-  
 202 ment and delivered to the bailiff of said court, and was on May 1, 1908, duly  
 203 returned by said bailiff wholly unsatisfied.

204 3. That the amount due plaintiff on said judgment, exclusive of interest  
 205 and costs, is three thousand dollars (\$3,000).

206 4. That plaintiff believes that one William Smith, of said Cook county,  
 207 has personal property of the said defendant, Richard Roe, not exempt from  
 208 execution or garnishment, or is indebted to said defendant, Richard Roe, in  
 209 a sum exceeding the amount exempt by law from garnishment.

210 5. That plaintiff believes that one William Thomas, of said Cook county  
 211 has personal property of the defendant, Thomas Jones, not exempt from ex-  
 212 ecution or garnishment, or is indebted to said defendant, Thomas Jones, in a  
 213 sum exceeding the amount exempt by law from garnishment.

214 Wherefore plaintiff prays for citation to said defendants, Richard Roe  
 215 and Thomas Jones and to said William Smith and William Thomas, requir-  
 216 ing their appearance for examination at ten o'clock a. m. on June 1,  
 217 1908.

218 JOHN DOE,

219 BY THOMAS JONES,

220 *Plaintiff's Attorney.*

221 (Here add affidavit verifying petition as in first form.)

222 8. PETITION OF SEVERAL PLAINTIFFS FOR CITATION OF INDIVIDUAL DEBTORS  
 223 AFTER RETURN OF EXECUTION.

224 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

225 John Doe and

226 William Doe

227 v.

227 Richard Roe and

228 Thomas Jones.

} Supplementary Proceeding. No. 25.

229 PETITION FOR CITATION.

230 The plaintiffs say:

231 1. That on February 10, 1908, they recovered a judgment against said de-  
 232 fendants in said municipal court in the case of John Doe and William Doe v.  
 233 Richard Roe and Thomas Jones, Contract, No. 47, for the sum of five hundred  
 234 dollars (\$500), together with costs of the action taxed at eight dollars (\$8):

235 2. That on February 12, 1908, execution was duly issued on said judg-  
 236 ment and delivered to the bailiff of said court, and was on May 1, 1908, duly  
 237 returned by said bailiff wholly unsatisfied.

238 3. That the amount due plaintiffs on said judgment, exclusive of interest  
239 and costs, if five hundred dollars (\$500).

240 Wherefore plaintiffs pray for a citation to said defendants, Richard Roe  
241 and Thomas Jones, requiring the defendants' appearance for examination at  
242 ten o'clock a. m. on Tuesday, June 1, 1908.

243 JOHN DOE AND RICHARD ROE,

244 By HENRY BROWN,

245 *Plaintiff's Attorney.*

246 John Doe, on his oath, says that he is one of the plaintiffs in the above  
247 petition, and that the matters and things therein alleged are true in substance  
248 and in fact.

249 JOHN DOE.

250 Subscribed and sworn to before me this 25th day of June, 1908.

251 JOHN SMITH, *Clerk.*

252 9. CITATION TO INDIVIDUAL DEBTOR.

253 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

254 John Doe  
255 v. Richard Roe. } Supplementary Proceeding. No. 25.

256 CITATION.

257 The People of the State of Illinois—GREETING to Richard Roe.

258 We hereby command you to personally be and appear before the municipi-  
259 pal court of Chicago at No. 148 Michigan avenue, Chicago, Cook county, Illi-  
260 nois, at ten o'clock a. m. on Tuesday, the first day of June, 1908, to be examined  
261 under oath concerning your property in a certain supplementary proceeding  
262 therein pending under a certain judgment rendered by said court against you  
263 on the 10th day of February, 1908, for the sum of five hundred dollars (\$500)  
264 and costs of the action in favor of John Doe.

265 Witness John Smith, clerk of said municipal court, and  
266 the seal thereof at Chicago, Illinois, this 25th day of  
267 May, 1908.

268 JOHN SMITH, *Clerk.*

269 10. CITATION TO CORPORATION DEBTOR.

270 John Doe  
271 v. Chicago Insurance Company. } Supplementary Proceeding. No. 26.  
272

## CITATION.

273

274 The People of the State of Illinois--GREETING to the Chicago Insurance Com-  
 275 pany:

276 We hereby command you to be and appear before the municipal court  
 277 of Chicago at No. 148 Michigan avenue in Chicago, Cook county, Illinois, at  
 278 ten o'clock a. m. on Tuesday, the first day of June, 1908, and that at said  
 279 time and place you cause to be present William Smith, secretary of you, the  
 280 said Chicago Insurance Company, to be examined under oath concerning your  
 281 property in a certain supplementary proceeding therein pending under a cer-  
 282 tain judgment rendered by said court against you on the 10th day of February,  
 283 1908, for the sum of five hundred dollars (\$500) and costs of the action in fa-  
 284 vor of John Doe.

285 Witness John Smith, clerk of said municipal court, and  
 286 the seal thereof at Chicago, Illinois, this 25th day of  
 287 May, 1908.

288 JOHN SMITH, *Clerk.*

289 11. CITATION TO INDIVIDUAL OTHER THAN DEBTOR.

290 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

291 John Doe }  
 292 v. } Supplementary Proceeding. No. 27.  
 293 Richard Roe.

## CITATION.

293 The People of the State of Illinois--GREETING to Thomas Jones:

294 We hereby command you to personally be and appear before the munici-  
 295 pal court of Chicago at No. 148 Michigan avenue in Chicago, Cook county, Illi-  
 296 nois, at ten o'clock a. m. on Tuesday, the first day of June, 1908, to be ex-  
 297 amined under oath concerning the property of Richard Roe in a certain sup-  
 298 plementary proceeding therein pending under a certain judgment rendered by  
 299 said court against said Richard Roe on the 10th day of February, 1908, for the  
 300 sum of five hundred dollars (\$500) and costs of action in favor of John Doe.

301 Witness John Smith, clerk of said municipal court, and  
 302 the seal thereof at Chicago, Illinois, this 25th day of  
 303 May, 1908

304 JOHN SMITH, *Clerk.*

## 12. CITATION TO CORPORATION OTHER THAN DEBTOR.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |   |                                   |
|--------------|---|-----------------------------------|
| John Doe     | } | Supplementary Proceeding. No. 28. |
| v.           |   |                                   |
| Richard Roe. |   |                                   |

## CITATION.

The People of the State of Illinois—GREETING to the Chicago Insurance Company:

We hereby command you to be and appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois at ten o'clock a. m. on Tuesday, the first day of June, 1908, and that at said time and place you cause to be present William Smith, the secretary of you, the Chicago Insurance Company, to be examined under oath concerning the property of Richard Roe in a certain supplementary proceeding therein pending under a certain judgment rendered by said court against said Richard Roe on the 10th day of February, 1908, for the sum of five hundred dollars (\$500) and costs of the action in favor of John Doe.

Witness John Smith, clerk of said municipal court and the seal thereof at Chicago, Illinois, this 25th day of May, 1908.

JOHN SMITH, *Clerk.*

## 13. CITATION TO SEVERAL INDIVIDUAL DEBTORS.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                               |   |                                   |
|-------------------------------|---|-----------------------------------|
| John Doe                      | } | Supplementary Proceeding. No. 30. |
| v.                            |   |                                   |
| Richard Roe and Thomas Jones. |   |                                   |

## CITATION.

The People of the State of Illinois—GREETING to Richard Roe and Thomas Jones:

You are hereby commanded to personally be and appear before the municipal court of Chicago at No. 148 Michigan avenue in Chicago, Cook county, Illinois, at ten o'clock a. m. on Tuesday, the first day of June, 1908, to be examined under oath concerning your property and the property of each of you in a certain supplementary proceeding therein pending under a certain judgment rendered by said court against you on the 10th day of February, 1908,



338 for the sum of five hundred dollars (\$500) and costs of the action in favor of  
339 John Doe.

340                                      Witness John Smith, clerk of said municipal court, and  
341                                      the seal thereof at Chicago, Illinois, this 25th day of  
342                                      May, 1908.

343 JOHN SMITH, Clerk.

Sec. 326. CITATION BEFORE RETURN OF EXECUTION.—FORM OF PETITION.] After  
the issuance of an execution against the lands, tenements, goods and chattels  
of any judgment debtor and before the return thereof, upon petition therefor  
and proof to the satisfaction of the court that there is reasonable ground to  
believe that the judgment debtor has property which he has unjustly refused  
to apply towards the satisfaction of the judgment, whether subject to execution  
or not, the judgment creditor shall be entitled to a like citation. The petition  
shall conform to the requirements of the preceding section excepting that it  
shall recite the steps taken by the officer under the execution and that the  
same has not been returned and shall specify the ground for the belief that  
the judgment debtor has property which he unjustly refuses to apply towards the  
satisfaction of the judgment. Upon the filing of the petition, the court, if sat-  
isfied the plaintiff is entitled to a citation, shall order the issuance thereof  
and the same shall be issued by the clerk accordingly. The following form  
of petition under this section shall be deemed sufficient and shall be taken as  
furnishing suggestions from which other petitions may be properly framed:

17 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

18 John Doe } Supplementary Proceeding. No. 34.  
v. }  
19 Richard Roe.

20 PETITION FOR CITATION.

21           The plaintiff says:

22 1. That on February 10, 1908, he recovered a judgment against said de-  
23 fendant in said municipal court in the case of John Doe v. Richard Roe, Con-

tract, No. 42, for the sum of eight hundred dollars (\$800), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued upon said judgment and delivered to the bailiff of said court, who, on February 14, 1908, made demand upon said defendant for the satisfaction of the same, which was refused by said defendant, and that the same has not yet been returned by said bailiff and is wholly unsatisfied.

3. That the amount now due upon said judgment, exclusive of interest and costs, is eight hundred dollars (\$800).

4. That plaintiff has reasonable grounds to believe that said Richard Roe has property in the city of Chicago which he unjustly refuses to apply towards the satisfaction of said judgment and as ground of such belief plaintiff says that one William Smith, the secretary of the Chicago Insurance Company, has informed plaintiff that said Chicago Insurance Company is indebted to said Richard Roe in the sum of two thousand dollars (\$2,000), and that said Chicago Insurance Company is ready and willing and able to pay said sum to said Richard Roe upon demand.

Wherefore plaintiff prays for a citation to said defendant, Richard Roe, requiring the defendant's appearance for examination at 10 o'clock A. M. on Tuesday, March 1, 1908.

JOHN DOE,

By THOMAS JONES,  
*Plaintiff's Attorney.*

(Here add affidavit verifying petition as in first form.)

Sec. 327. SERVICE OF CITATION.] Every citation issued in a supplementary proceeding shall be served by the delivery of a copy thereof, together with a copy of the plaintiff's petition, to the party to be cited, if such party be an individual, or, if such party be a corporation, then to the person to whom a copy of a summons to be served upon such corporation could properly be delivered as provided in this Act. Such delivery may be made by any officer or other person authorized by this Act to serve a summons and the service thereof may be proven in the manner provided by this Act for proof of the service of a summons. Such service shall be made at least two (2) days prior to the time fixed in the citation for the appearance of the party cited. In case the citation

11 is not returned served two (2) days or more prior to the time therein fixed  
 12 for the appearance of the party cited the clerk shall, upon the application of  
 13 the petitioner, issue an alias citation for the appearance of the party cited at  
 14 such time as may be specified by the petitioner or as may be prescribed by  
 15 the rules of the court: *Provided, however,* that such time shall be not less than  
 16 three (3) nor more than fifteen (15) days from the issuance of such citation,  
 17 and a pluries citation may also be issued, upon the application of the peti-  
 18 tioner, when any previous citation has not been returned served within the time  
 19 hereinbefore prescribed. When the person or corporation to be cited is not the  
 20 judgment debtor and such judgment debtor is not also cited, notice in writing  
 21 of the examination shall be given to the judgment debtor, or his attorney, at  
 22 least one day prior to the day fixed therefor, but when such notice has once  
 23 been given of such examination the judgment debtor shall be bound to take  
 24 notice of all subsequent postponements or adjournments thereof.

Sec. 328. AVERMENTS OF PETITION WHICH NEED NOT BE PROVEN.] Upon the  
 2 hearing of any supplementary proceeding it shall not be necessary for the  
 3 plaintiff to make proof of the recovery of the judgment, the issuance of the  
 4 execution and the proceedings had thereon or the amount due the plaintiff on  
 5 the judgment, or any other fact necessary to entitle the plaintiff to a citation,  
 6 as alleged in the petition, unless the defendant or other person cited shall, at  
 7 the time of his appearance, or within such time thereafter as may be allowed  
 8 by the court, file an affidavit denying such facts or one or more of them, in  
 9 which case it shall be necessary for the plaintiff to prove the fact or facts so  
 10 denied. When the party cited is a corporation such affidavit may be made by  
 11 any officer or agent thereof cognizant of the facts.

Sec. 329. EXAMINATION—ORDER FOR PAYMENT OF MONEY, ETC.—FORMS.]  
 2 Where it appears from the examination or testimony taken pursuant to the  
 3 provisions of this Act that the judgment debtor has in his possession or under

4 his control moneys or other property belonging to him and not exempt from  
 5 execution, or that money, choses in action, or one or more articles of per-  
 6 sonal property, capable of delivery and the right of possession of which in said  
 7 judgment debtor is not substantially disputed, and which are not exempt by  
 8 law from execution or garnishment, are in the possession or under the control  
 9 of such other person or corporation, the court before which the examination is  
 10 held may, in its discretion, make an order directing the judgment debtor or  
 11 such other person or corporation, immediately to pay the money, assign the  
 12 choses in action or deliver the articles of personal property to the bailiff of  
 13 said court, to be by him collected or sold at public sale and the proceeds  
 14 thereof applied towards the satisfaction of said execution, and if the amount  
 15 of money or the proceeds of such collection or sale shall exceed the amount  
 16 due upon such execution and the costs accrued thereon, the over-plus shall be  
 17 paid to the said judgment debtor. The following forms of orders as provided  
 18 for in this section shall be deemed sufficient and shall be taken as furnishing  
 19 suggestions from which other forms of orders may be properly framed:

20 1. ORDER DIRECTING DELIVERY OF PROPERTY BY DEFENDANT TO THE BAILIFF.

21 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                                     |
|-----------------|-------------------------------------|
| 22 John Doe     | } Supplementary Proceeding. No. 25. |
| 23 v.           |                                     |
| 23 Richard Roe. |                                     |
|                 | } February 24, 1908.                |
|                 | } Before Hon. John Jones, Judge.    |

24 This day the court, having jurisdiction of the subject-matter of this pro-  
 25 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 26 tion and the appearance of the defendant, hears the proofs in open court and  
 27 thereupon, upon consideration thereof, the court doth order that the defend-  
 28 ant, Richard Roe, forthwith deliver to the bailiff of this court, to be subjected  
 29 to the payment of the judgment set forth in the petition herein, the following  
 30 described property, in the possession of the defendant, to-wit: one bay horse  
 31 and one black and white cow.



32        2. ORDER DIRECTING PAYMENT OF MONEY BY DEFENDANT TO THE BAILIFF.

33                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

34 John Doe            } Supplementary Proceeding. No. 25.  
      v.                    } February 24, 1908.  
 35 Richard Roe.       } Before Hon. John Jones, Judge.

36        This day the court, having jurisdiction of the subject-matter of this pro-  
 37 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 38 tion and the appearance of the defendant, hears the proofs in open court and  
 39 thereupon, upon consideration thereof, the court doth order that the defend-  
 40 ant, Richard Roe, forthwith pay over to the bailiff of this court, to be applied  
 41 by said sheriff towards the payment of the judgment set forth in the petition  
 42 herein, the sum of one hundred dollars (\$100) in the possession of the de-  
 43 fendant.

44        3. ORDER DIRECTING DELIVERY OF PROPERTY BY THIRD PERSON TO THE BAILIFF.

45                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

46 John Doe            } Supplementary Proceeding. No. 25.  
      v.                    } February 24, 1908.  
 47 Richard Roe.       } Before Hon. John Jones, Judge.

48        This day the court, having jurisdiction of the subject-matter of this pro-  
 49 ceeding and of the person of the defendant, Richard Roe, and also of the  
 50 person of William Roe by service of citation and the appearance of the de-  
 51 fendant and of said William Roe, hears the proofs in open court and there-  
 52 upon, upon consideration thereof, the court doth order said William Roe to  
 53 forthwith deliver to the bailiff of this court, to be subjected to the payment of  
 54 the judgment set forth in the petition herein, the following property in the pos-  
 55 session of him, the said William Roe, and belonging to the said defendant, Rich-  
 56 ard Roe, to-wit: one bay horse and one black and white cow.

57        4. ORDER DIRECTING PAYMENT OF MONEY BY THIRD PERSON TO THE BAILIFF.

58                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

59 John Doe            } Supplementary Proceeding. No. 25.  
      v.                    } February 24, 1908.  
 60 Richard Roe.       } Before Hon. John Jones, Judge.

61        This day the court, having jurisdiction of the subject-matter of this pro-  
 62 ceeding and of the person of the defendant, Richard Roe, and also of the  
 63 person of William Roe by service of citation and the appearance of said de-

64 fendant and of said William Roe, hears the proofs in open court and there-  
 65 upon, upon consideration thereof, the court doth order that said William Roe  
 66 forthwith pay to the bailiff of this court, to be applied to the payment of the  
 67 judgment set forth in the petition herein, the sum of one hundred dollars  
 68 (\$100), due from said William Roe to said Richard Roe.

69 5. ORDER DIRECTING DELIVERY OF PROPERTY BY. DEFENDANT TO THE BAILIFF  
 70 AFTER HEARING UPON MASTER'S REPORT.

71 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

72 John Doe } Supplementary Proceeding. No. 25.  
           v.    } February 24, 1908.  
 73 Richard Roe. } Before Hon. John Jones, Judge.

74 This day the court, having jurisdiction of the subject-matter of this pro-  
 75 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 76 tion and the appearance of the defendant doth hear the proofs set forth in  
 77 the master's report herein and thereupon, upon consideration thereof, the court  
 78 doth order that the defendant, Richard Roe, forthwith deliver to the bailiff  
 79 of this court, to be subjected to the payment of the judgment set forth in the  
 80 petition herein, the following property, to-wit: one bay horse and one black  
 81 and white cow.

Sec. 330. FRAUDULENT TRANSFERS—RECEIVER—BILL IN EQUITY—FORMS OF  
 2 ORDERS.] Where, from such examination or testimony, it appears probable to  
 3 the court that the judgment debtor has conveyed, transferred or otherwise dis-  
 4 posed of any property, whether real or personal, with the intent to disturb,  
 5 delay, hinder or defraud creditors or other persons, the court may, in its dis-  
 6 cretion, make an order appointing a receiver of the property of such judgment  
 7 debtor, which receiver, when so appointed, shall have all the powers of a re-  
 8 ceiver appointed under a creditor's bill, and shall have power to exhibit in  
 9 said municipal court or in any other court having equity jurisdiction in this  
 10 State in which an action in equity can be properly commenced for that pur-  
 11 pose, in his own name, as receiver of such judgment debtor, a bill or bills of  
 12 complaint in equity against such judgment debtor and any person or persons,  
 13 corporation or corporations to whom the judgment debtor may have conveyed,

14 transferred or otherwise made disposition of any property with the intent to  
 15 disturb, delay, hinder or defraud his creditors and to cause such property to  
 16 be applied in satisfaction of such judgment and of all other judgments and  
 17 claims of every kind and character which may be exhibited in such action and  
 18 as against which such conveyance, transfer or other disposition may be shown  
 19 to be fraudulent. The following form of order for the appointment of a re-  
 20 ceiver under this section shall be deemed sufficient and shall be taken as fur-  
 21 nishing suggestions from which other orders for the appointment of receivers  
 22 may be properly framed:

23                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                                     |
|----|--------------|-------------------------------------|
| 24 | John Doe     | } Supplementary Proceeding. No. 25. |
|    | v.           |                                     |
| 25 | Richard Roe. |                                     |
|    |              | February 24, 1908.                  |
|    |              | Before Hon. John Jones, Judge.      |

26       This day the court, having jurisdiction of the subject-matter of this pro-  
 27 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 28 tion and the appearance of the defendant, hears the proofs in open court and  
 29 thereupon, upon consideration thereof, the court doth order that Henry Brown  
 30 of Cook county, Illinois, be and he is hereby appointed receiver of the prop-  
 31 erty of said defendant, Richard Roe, with the powers of a receiver appointed  
 32 under a creditor's bill, and that the bond of said Henry Brown as such re-  
 33 ceiver in the penal sum of two thousand dollars (\$2,000) with William Brown  
 34 as surety be and the same is hereby approved.

Sec. 331. HOW BILL IN EQUITY PROSECUTED — EXPENSES — FORM OF BILL.]

2 Every such bill of complaint in equity mentioned in the preceding clause shall  
 3 be prosecuted under the direction and control and at the expense of the plaint-  
 4 iff in the judgment for the enforcement of which the supplementary proceed-  
 5 ings have been instituted, and in case no property is recovered thereby all the  
 6 costs in such action shall be paid by such plaintiff. In case, by means of such  
 7 bill of complaint in equity, any property is recovered to be applied in satisfac-  
 8 tion of the judgment, or of such judgment and such other judgments as may



9 be rendered against the same judgment debtor, all the reasonable costs and  
 10 expenses of the action, including reasonable attorney's fees, to be audited by  
 11 the municipal court, shall be paid to the plaintiff out of the proceeds of the  
 12 property recovered. The following form of bill in equity under this section  
 13 shall be deemed sufficient and shall be taken as furnishing suggestions from  
 14 which other bills in equity hereunder may be properly framed:

15 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                                |                       |
|----|--------------------------------|-----------------------|
| 16 | Henry Brown as receiver of the | } In Equity. No. 125. |
| 17 | property of Richard Roe        |                       |
|    | v.                             |                       |
| 18 | Richard Roe, Mary Roe, William |                       |
| 19 | Roe and Thomas Jones.          |                       |

20 BILL OF COMPLAINT.

21 The plaintiff, as receiver of the property of Richard Roe, brings this ac-  
 22 tion in equity against the defendants and says:

23 1. Plaintiff was, on February 10, 1908, duly appointed by this court as  
 24 receiver of the property of the defendant Richard Roe with the powers of a  
 25 receiver appointed under a creditor's bill.

26 2. Said appointment was made in a supplementary proceeding in said  
 27 court to enforce a judgment rendered by said court on December 10, 1907, in  
 28 favor of one John Doe and against said Richard Roe for the sum of two thou-  
 29 sand dollars (\$2,000) and the costs of the action.

30 3. The indebtedness upon which said judgment was founded accrued  
 31 prior to July 1, 1907.

32 4. No part of the judgment has been paid or otherwise satisfied.

33 5. Other judgment creditors of said Richard Roe have intervened in said  
 34 supplementary proceeding as follows:

35 a—John Jones, whose judgment is for one thousand dollars (\$1,000) and  
 36 costs, recovered December 17, 1909, in said municipal court, upon an indebted-  
 37 ness which accrued prior to August 1, 1907.

38 b—George Thomas, whose judgment is for eight hundred dollars (\$800) and  
 39 costs, recovered December 20, 1907, in the superior court of Cook county, upon  
 40 indebtedness which accrued prior to August 1, 1907.

41 6. No part of either of said judgments of said John Jones or George  
 42 Thomas has been paid or otherwise satisfied.



7. The defendants Mary Roe, William Roe and Thomas Jones, have each received from the defendant Richard Roe since August 1, 1907, large amounts of real and personal estate belonging to said Richard Roe, without any valuable consideration for the purpose of aiding said Richard Roe in hindering, delaying and defrauding his creditors.

8. On August 17, 1907, said defendant Richard Roe conveyed by warranty deed to said Mary Roe, William Roe and Thomas Jones the Northwest Quarter of the Northeast Quarter of Section Eighteen (18), Township Twenty-nine (29) North, Range Three (3) East of Third P. M. in Cook county, Illinois, for a pretended consideration of ten thousand dollars (\$10,000), whereas there was no consideration in fact for such conveyance but the same was made without any valuable consideration for the purpose of aiding said Richard Roe in hindering, delaying and defrauding his said creditors.

Wherefore plaintiff prays as follows:

*First*—For a discovery from the defendants and each of them concerning the matters above set forth and for answers under oath by each of the defendants severally to the interrogatories annexed hereto.

*Second*—For a decree setting aside the aforesaid conveyance and subjecting the property to the payment of the above named judgments.

*Third*—For general relief.

HENRY BROWN,

*As receiver of the property of Richard Roe.*

By WILLIAM SMITH,

*His Attorney.*

#### NOTE 1.

The clerk will issue four summonses to defendants for their appearance on March 8, 1908.

#### NOTE 2.

Each of the defendants will answer the following interrogatories:

1. (Here insert interrogatory number one and follow the same by other interrogatories numbered consecutively.)

Sec. 332. ORDER FOR WARRANT—FORMS.] Upon proof entitling the judgment creditor to a citation before the return of an execution and also proof to the satisfaction of the court that there is danger that the judgment debtor will

4 leave the State or conceal himself and that there is reason to believe that he  
 5 has property which he unjustly refuses to apply to the payment of the judg-  
 6 ment, the court, instead of making an order for the issuance of a citation, may  
 7 make an order for the issuance of a warrant by the clerk, under the seal of the  
 8 court, requiring the bailiff or sheriff or coroner of any county where the judg-  
 9 ment debtor may be found to arrest him and bring him before the court, if he be  
 10 a resident of or have a place of business in Cook county, or, if he be not a resi-  
 11 dent of Cook county, and have no place of business therein, to bring him before  
 12 the county court of the county in which he may reside or may be found, there to  
 13 be examined in the same manner as if a citation had issued as hereinbefore pro-  
 14 vided. The following forms of petitions, orders and warrants under this sec-  
 15 tion shall be deemed sufficient and shall be taken as furnishing suggestions  
 16 from which other petitions, orders and warrants may be properly framed:

17 1. PETITION FOR WARRANT FOR ARREST OF DEFENDANT.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

18 John Doe  
       v.  
 19 Richard Roe. } Supplementary Proceeding. No. 34.

20 PETITION FOR WARRANT.

21 The plaintiff says:

22 1. That on February 10, 1908, he recovered a judgment against said defen-  
 23 dant in said municipal court in the case of John Doe v. Richard Roe, Contract,  
 24 No. 42, for the sum of eight hundred dollars (\$800) together with costs of the  
 25 action taxed at eight dollars (\$8).

26 2. That on February 12, 1908, execution was duly issued on said judgment and  
 27 delivered to the bailiff of said court who, upon March 14, 1908, made demand  
 28 upon the defendant to satisfy the same, which was refused by the defendant  
 29 and said execution was on May 1, 1908, duly returned by the bailiff wholly un-  
 30 satisfied.

31 3. That the amount due plaintiff on said judgment, exclusive of interest  
 32 and costs, is five hundred dollars (\$500).

33 4. That plaintiff has reasonable ground to believe that said Richard Roe  
 34 has property in the city of Chicago, which he unjustly refuses to apply towards

35 the satisfaction of said judgment and as ground of such belief says that  
 36 William Smith, secretary of the Chicago Insurance Company has informed  
 37 plaintiff that said Chicago Insurance Company is indebted to said Richard Roe  
 38 in the sum of two thousand dollars (\$2,000), which indebtedness will become  
 39 due and payable to said Richard Roe on May 31, 1908, and that said Chicago  
 40 Insurance Company will at that time be ready, willing and able to pay said  
 41 sum to said Richard Roe upon demand.

42 5. That there is danger that said defendant, Richard Roe, will leave the  
 43 State of Illinois; that said Richard Roe did, on or about May 20, 1908, state to  
 44 the plaintiff that he was about to remove from the State of Illinois to the state  
 45 of Iowa.

46 Wherefore plaintiff prays for a warrant directed to the bailiff command-  
 47 ing him to arrest the said defendant and bring him instanter before the court for  
 48 examination.

49 JOHN DOE,

50 By THOMAS JONES,

51 *Plaintiff's Attorney.*

52 (Here add affidavit verifying petition as in first form.)

53 2. ORDER FOR ISSUANCE OF WARRANT FOR ARREST OF DEFENDANT RESIDENT IN  
 54 CHICAGO, ILLINOIS.

55 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

56 John Doe } Supplemental Proceeding. No. 25.  
           v.    } February 17, 1908.  
 57 Richard Roe. } Before Hon. John Jones, Judge.

58 This day on motion of the plaintiff it is ordered by the court that the clerk  
 59 issue a warrant herein directed to the bailiff of this court commanding said  
 60 bailiff to arrest the defendant, Richard Roe, and bring him before the court in  
 61 stanter for examination.

62 3. ORDER FOR ISSUANCE OF WARRANT FOR ARREST OF DEFENDANT RESIDENT  
 63 OUTSIDE OF CHICAGO.

64 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

65 John Doe } Supplemental Proceeding. No. 25.  
           v.    } February 17, 1908.  
 66 Richard Roe. } Before Hon. John Jones, Judge.

67 This day on motion of the plaintiff it is ordered by the court that the clerk  
 68 issue a warrant herein directed to the sheriff of Will county commanding him



69 to arrest the defendant and bring him instanter before the county court of  
70 Will county for examination.

71 WARRANT FOR ARREST OF DEFENDANT IN CHICAGO.

72 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

73 John Doe  
74 v. Richard Roe. } Supplemental Proceeding. No. 25.

75 WARRANT.

76 The People of the State of Illinois—GREETING to the bailiff of this municipal  
77 court of Chicago:

78 We hereby command you that you take the body of Richard Roe, if he  
79 shall be found in your city, and bring him instanter before said municipal  
80 court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, to be examined  
81 under oath concerning his property in a certain supplementary proceeding  
82 therein pending under a certain judgment rendered by said court against him  
83 on the 10th day of February, 1908, for the sum of five hundred dollars (\$500)  
84 and costs of the action in favor of John Doe.

85 Witness John Smith, clerk of said municipal court, and the seal thereof at  
86 Chicago, Illinois, this 25th day of May, 1908.

87 JOHN SMITH, *Clerk.*

88 5. WARRANT FOR ARREST OF DEFENDANT ISSUED TO SHERIFF OF FOREIGN COUNTY.

89 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

90 John Doe  
91 v. Richard Roe. } Supplementary Proceeding. No. 25.

92 WARRANT.

93 The People of the State of Illinois—GREETING to the sheriff of Will county:

94 We hereby command you that you take the body of Richard Roe, if he shall  
95 be found in your county, and bring him instanter before the county court of  
96 Will county at the county court house in Joliet in said county, to be examined  
97 under oath concerning his property in a certain supplementary proceeding  
98 pending in said municipal court of Chicago, under a certain judgment rendered  
99 by said municipal court against him on the 10th day of February, 1908, for the  
100 sum of five hundred dollars (\$500) and costs of the action in favor of John Doe.

101 Witness John Smith, clerk of said municipal court and the seal thereof at  
102 Chicago, Illinois, this 25th day of May, 1908.

103 JOHN SMITH, *Clerk.*



Sec. 333. BOND—FORM.] Before any warrant shall issue as provided in the preceding section the judgment creditor shall execute and file with the clerk a bond in such sum, not less than five hundred dollars (\$500), as may be fixed by the court with security to be approved by the court or by the clerk, conditioned that he will pay all costs and damages which may be awarded against him by the court in case such warrant be vacated or quashed and the defendant discharged from arrest thereunder and it shall appear that the same was wrongfully issued, such damages and costs to be ascertained and fixed in a summary manner by said municipal court, to which such warrant shall be returnable, and the payment of such costs and damages to be compelled by such court by attachment of the judgment creditor or by execution against his property, and the sureties on any such bond to be concluded by such assessment of damages. The following form of bond under this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other bonds may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                                     |
|--------------|-------------------------------------|
| John Doe     | } Supplementary Proceeding. No. 25. |
| v.           |                                     |
| Richard Roe. |                                     |

BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and William Doe, as surety, are held and firmly bound unto the People of the State of Illinois in the penal sum of five hundred dollars (\$500) for the payment of which well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this 25th day of May, 1908.

The condition of this obligation is such that whereas on May 25, 1908, the above bounden John Doe obtained from the municipal court of Chicago, Illinois, an order for the issuance of a warrant directed to the bailiff of said court, commanding said bailiff to arrest Richard Roe and bring him instanter before said court for examination concerning the property of him, the said Richard Roe, in a certain supplementary proceeding pending in said court under a cer-

tain judgment rendered by said court against said Richard Roe on the 10th day of February, 1908, for the sum of eight hundred dollars (\$800) and costs of the action in favor of John Doe, which said warrant is about to issue:

Now, if the said John Doe will pay all costs and damages which may be awarded against him by said municipal court, in case said warrant be vacated or quashed and the defendant discharged from arrest thereunder, and it shall appear that the same was wrongfully issued, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

JOHN DOE, [SEAL.]

WILLIAM DOE. [SEAL.]

Approved May 25, 1908.

JOHN SMITH, *Clerk.*

Sec. 334. EXAMINATION TO BE UNDER OATH—POSTPONEMENTS—ATTACHMENT—

FORMS.] Upon every examination in a supplementary proceeding each answer of the party to the citation or witness examined must be under the oath of such party, or, if such party be a corporation, under the oath of an officer thereof and the court may, in its discretion, specify the officer. Either party may be examined as a witness on his own behalf and may produce and examine other witnesses as upon the trial of any action. The court or the master, special commissioner or referee, may postpone any hearing from time to time as the court, master, special commissioner or referee may think proper and may cause the issuance of subpoenas requiring the presence of any witness desired by either party. The court shall have the power to compel the attendance of any party to the citation or witness duly subpoenaed by attachment of the person of such party or witness and the refusal of a party to such citation or a witness to attend or answer proper questions upon the hearing shall be adjudged a contempt of court and shall be punishable in the discretion of the court by fine, imprisonment in the county jail, work-house or house of correction for a period not to exceed six months. The following forms of writ of attachment for contempt and orders imposing punishments for contempt under this section shall be deemed sufficient and shall be taken as furnishing sug-

gestions from which other writs of attachment and orders may be properly framed:

1. ATTACHMENT FOR CONTEMPT.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                         |                     |
|-------------------------|---------------------|
| The People of the State | } Criminal. No. 29. |
| of Illinois             |                     |
| v.<br>Richard Roe.      |                     |

ATTACHMENT FOR CONTEMPT.

The People of the State of Illinois—GREETING to the bailiff of the municipal court of Chicago:

We hereby command you that you take the body of Richard Roe, if shall be found in your city, and him safely keep so that you may have his body instanter before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, to answer unto the People of the State of Illinois for and concerning a contempt of court alleged to have been committed by said Richard Roe by not appearing before the court in obedience to a citation issued and served upon him in the case of John Doe v. Richard Roe, Supplementary Proceeding, No. 25, pending in said court.

Witness John Smith, clerk of said municipal court and the seal thereof at Chicago, Illinois, this 8th day of February, 1908. JOHN SMITH, *Clerk*.

2. ORDER OF PUNISHMENT FOR CONTEMPT FOR NON-APPEARANCE.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                                     |   |
|-------------------------------------|---|
| The People of the State of Illinois | } Criminal. No. 29.<br>February 17, 1908.<br>Before Hon. John Jones, Judge. |
| v.                                  |   |
| Richard Roe.                        |   |

This day the court, the defendant being present, finds the defendant guilty of contempt of court in not appearing before the court in obedience to a citation duly issued and served upon him and doth sentence the defendant upon such finding to pay a fine of one hundred dollars (\$100) and the costs of the action and doth order that he stand committed to the county jail of Cook county until the fine and costs are paid or he is discharged in accordance with law.



50        3. ORDER OF PUNISHMENT FOR CONTEMPT COMMITTED IN PRESENCE OF COURT  
51 BY REFUSING TO ANSWER PROPER QUESTIONS.

52                    IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                                     |   |
|----|-------------------------------------|---|
| 53 | The People of the State of Illinois | } Criminal. No. 29.<br>February 17, 1908.<br>Before Hon. John Jones, Judge. |
|    | v.                                  |   |
| 54 | Richard Roe.                        |   |

55        This day the court, the defendant being present in open court, finds the de-  
56 fendant guilty of a contempt of court in refusing to answer proper questions  
57 propounded by the court, and thereupon upon consideration thereof the court  
58 doth sentence the defendant to pay a fine of one hundred dollars (\$100) and the  
59 costs of the action and doth order that he stand committed to the county jail of  
60 Cook county until the fine and costs are paid.

Sec. 335. ASSIGNMENT TO SHERIFF—ACTION—EXPENSES—FORMS.] When, from  
2 the examination or testimony taken pursuant to the provisions of this section,  
3 there is reason to believe that any other person or corporation than the judg-  
4 ment debtor has personal property of the debtor not exempt from execution or  
5 garnishment, or is indebted to such judgment debtor in a sum exceeding the  
6 amount exempt by law from garnishment, but such other person or corporation  
7 substantially disputes that such personal property belongs to the debtor or that  
8 such other person or corporation is indebted to the judgment debtor, or when it  
9 appears that such judgment debtor claims that such other person or corporation  
10 has personal property belonging to him, the debtor, or is indebted to him, the  
11 court shall require such judgment debtor to make a proper transfer or assign-  
12 ment of such personal property or chose in action to the bailiff, or the court may,  
13 by its order, without any such transfer or assignment, vest the equitable title  
14 to such personal property by chose in action in said bailiff, and thereupon the  
15 bailiff shall, at the request of the plaintiff in the judgment, and at the expense  
16 of such plaintiff, prosecute, in the name of the judgment debtor, for the use  
17 of such bailiff, a proper action for the recovery of such personal property, or  
18 the amount of such indebtedness, and, in case no property is recovered there-  
19 by, all the costs, expenses and attorney's fees of such action shall be paid by



such plaintiff, unless other property or money of the judgment debtor is recovered out of which the plaintiff may be reimbursed for such costs, expenses and attorney's fees, in which case the plaintiff shall be so reimbursed. In case, by means of such action, any money or other property is recovered to be applied in satisfaction of the judgment, or of such judgment and such other judgments as may be rendered against the same judgment debtor, all the reasonable costs and expenses of the action, including reasonable attorney's fees, to be audited by the court in which the judgment has been rendered, shall be paid to the plaintiff out of the proceeds of the property recovered and any balance of such proceeds remaining after the payment of the plaintiff's judgment, and of such other judgments as may be entitled to be paid therefrom, shall be paid over to the judgment debtor. The following forms of orders vesting the equitable title to personal property and choses in action in the bailiff and order directing an assignment of a chose in action to the bailiff under this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders may be properly framed:

1. ORDER VESTING EQUITABLE TITLE TO CHOSE IN ACTION IN BAILIFF.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                                     |                                |
|--------------|-------------------------------------|--------------------------------|
| John Doe     | } Supplementary Proceeding. No. 25. |                                |
| v.           |                                     |                                |
| Richard Roe. |                                     |                                |
|              |                                     | February 24, 1908.             |
|              |                                     | Before Hon. John Jones, Judge. |

This day the court, having jurisdiction of the subject matter of this proceeding, and of the person of the defendant, Richard Roe, by service of citation and the appearance of the defendant, hears the proofs in open court, and thereupon, upon consideration thereof, doth order that there be and there is hereby vested in the bailiff the equitable title to an account claimed to amount to the sum of five hundred dollars (\$500) and to be due to the defendant, Richard Roe, from one George Brown, the same to be collected by the said bailiff and applied towards the payment of the judgment set forth in the petition herein.

49           2. ORDER VESTING EQUITABLE TITLE TO PERSONAL PROPERTY IN SHERIFF.

50                       IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

51 John Doe        } Supplementary Proceeding. No. 25.  
                   v.        } February 24, 1908.  
 52 Richard Roe.   } Before Hon. John Jones, Judge.

53       This day the court, having jurisdiction of the subject matter of this pro-  
 54 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 55 tion and the appearance of the defendant, hears the proofs in open court and  
 56 thereupon, upon consideration thereof, doth order that there be and is hereby  
 57 vested in the bailiff the equitable title to a bay horse with a white star in the  
 58 forehead, claimed to be owned by the defendant, Richard Roe, the same to be  
 59 recovered by said bailiff, and the proceeds thereof applied towards the pay-  
 60 ment of the judgment set forth in the petition herein.

61           3. ORDER DIRECTING ASSIGNMENT OF CHOSE IN ACTION BY DEFENDANT TO THE  
 62 BAILIFF.

63                       IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

64 John Doe        } Supplementary Proceeding. No. 25.  
                   v.        } February 24, 1908.  
 65 Richard Roe.   } Before Hon. John Jones, Judge.

66       This day the court, having jurisdiction of the subject matter of this pro-  
 67 ceeding and of the person of the defendant, Richard Roe, by service of cita-  
 68 tion and the appearance of the defendant, hears the proofs in open court and  
 69 thereupon upon consideration thereof the court doth order that the defendant,  
 70 Richard Roe, forthwith assign to the bailiff, to be applied by said bailiff to-  
 71 wards the payment of the judgment set forth in the petition herein, a certain  
 72 promissory note for the sum of five hundred dollars (\$500), dated December  
 73 1, 1909, made by George Brown and payable to the order of said Richard  
 74 Roe one year after date, with interest at six per cent per annum.

Sec. 336. SERVICE OF CITATION TO BE NOTICE.] The service of any citation  
 2 hereinbefore provided for upon any person or corporation other than  
 3 the debtor shall, from the time of the service of such citation, be notice to such  
 4 other person or corporation of the claim of the plaintiff in the judgment, and  
 5 no subsequent transfer or disposition of any personal property belonging to  
 6 the debtor or payment to such judgment debtor, or to any assignee of such judg-

7 ment debtor, of any indebtedness from such other person or corporation to  
 8 such judgment debtor, shall in any manner affect the right of such judgment  
 9 creditor to have such personal property of the debtor, or such money due the  
 10 judgment debtor from such other person or corporation, applied in satisfaction  
 11 of the judgment.

Sec: 337. EXPENSES WHEN PROPERTY DISCOVERED—VEXATIOUS CONDUCT—FORMS  
 2 OF ORDERS.] Whenever any person or corporation, other than the judgment  
 3 debtor, shall have been served with a citation and shall have appeared for ex-  
 4 amination in obedience thereto and, in pursuance of such examination and the  
 5 order of the court thereon, shall have paid over any money or delivered any  
 6 personal property to the bailiff to be applied in satisfaction of the judgment,  
 7 such person or corporation shall be entitled to payment, out of the money  
 8 so paid over or out of the proceeds of the personal property so delivered, of his  
 9 reasonable expenses for attending upon such examination, together with one dol-  
 10 lar for each day's time occupied in such attendance, including traveling to and  
 11 from the place of such examination, to be audited by the court before which such  
 12 examination is held, and such other person or corporation shall likewise be  
 13 entitled to payment by the judgment creditor of, and the court shall require  
 14 such judgment creditor to pay to such other person or corporation, like ex-  
 15 penses in case it shall appear to the satisfaction of the court that such cita-  
 16 tion was sued out without probable cause and vexatiously. The following  
 17 forms of orders for the payment of expenses to persons other than the judg-  
 18 ment debtor shall be deemed sufficient and shall be taken as furnishing sugges-  
 19 tions from which other orders may be properly framed:

20 1. ORDER FOR PAYMENT TO THIRD PERSON OF EXPENSES OUT OF MONEY OR PRO-  
 21 CEEDS OF PROPERTY DELIVERED.

22 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.  
 23 John Doe } Supplementary Proceeding. No. 30.  
           v.    } February 24, 1908.  
 24 Richard Roe. } Before Hon. John Jones, Judge.



25     This day the court, having jurisdiction of the subject matter of this pro-  
 26 ceeding and of the person of the defendant, Richard Roe, by service of citation  
 27 and the appearance of the defendant, hears the proofs in open court and there-  
 28 upon upon consideration thereof the court doth order that the bailiff pay to  
 29 George Brown, out of the money paid over by said George Brown to said bail-  
 30 iff, the sum of fifteen dollars (\$15), as the reasonable expenses of said George  
 31 Brown herein.

32     2. ORDER FOR PAYMENT TO THIRD PERSON OF EXPENSES WHEN CITATION IS  
 33 VEXATIONOUSLY SUED OUT.

34             IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

35 John Doe     } Supplementary Proceeding. No. 30.  
               v.     } February 24, 1908.  
 36 Richard Roe. } Before Hon. John Jones, Judge.

37     This day the court, having jurisdiction of the subject matter of this pro-  
 38 ceeding, hears the proofs in open court, and thereupon, upon considera-  
 39 tion thereof, the court doth order that the plaintiff, John Doe, pay to George  
 40 Brown the sum of fifteen dollars (\$15), as the reasonable expenses of said  
 41 George Brown, incurred by him because of the citation herein being sued out  
 42 without probable cause and vexatiously.

Sec. 338. COSTS OUT OF MONEY RECOVERED—FORM OF ORDER.] In case any prop-  
 2 erty or money is recovered, to be applied in satisfaction of the judgment by  
 3 virtue of any proceeding authorized by this section. the court may tax as costs  
 4 in favor of the judgment creditor a fixed sum, consisting of witness fees,  
 5 stenographers' fees, master's or commissioner's fees and other disbursements  
 6 and direct payment thereof out of such money or property or the proceeds  
 7 thereof. The following form of order for the payment of expenses to a judg-  
 8 ment creditor shall be deemed sufficient and shall be taken as furnishing sug-  
 9 gestions from which other orders may be properly framed:

10             IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

11 John Doe     } Supplementary Proceeding. No. 30.  
               v.     } February 24, 1908.  
 12 Richard Roe. } Before Hon. John Jones, Judge.

13     This day the court, having jurisdiction of the subject matter of this pro-  
 14 ceeding and of the person of the defendant, Richard Roe, by service of cita-



tion and the appearance of the defendant, hears the proofs in open court and thereupon, upon consideration thereof the court doth order that the bailiff, out of the moneys received by him herein, pay to the plaintiff the sum of thirty-five dollars (\$35) as the plaintiff's costs taxed herein.

Sec. 339. COSTS OF JUDGMENT DEBTOR—FORM OF ORDER.] Where the judgment debtor has been examined and property applicable to the payment of the judgment has not been discovered in course of the proceedings hereunder, the court may fix a sum consisting of witnesses' fees and other disbursements made by said judgment debtor, including stenographer's fees and the amount so fixed shall, in the discretion of the court, be paid by the judgment creditor to such judgment debtor, and, unless paid within the time fixed by the court, an execution therefor shall issue against the judgment creditor and be served and enforced as other executions, or the payment thereof may be enforced by attachment against the judgment creditor. The following form of order for the payment of expenses to a judgment debtor shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                                     |
|----|--------------|-------------------------------------|
| 15 | John Doe     | } Supplementary Proceeding. No. 30. |
|    | v.           |                                     |
| 16 | Richard Roe. |                                     |
|    |              | } February 24, 1908.                |
|    |              | } Before Hon. John Jones, Judge.    |

This day the court, having jurisdiction of the subject matter of this proceeding, hears the proofs in open court and thereupon, upon consideration thereof, the court doth order that the plaintiff pay to the defendant, Richard Roe, the sum of twenty-five dollars (\$25) as witness fees and other disbursements of the said defendant, Richard Roe.

Sec. 340. DISCONTINUANCE—DISMISSAL.] A proceeding by citation, instituted under this section, may be discontinued at any time by the court upon the application of the judgment creditor by whom the same was instituted, upon such terms as the court may deem just and proper. When the judgment crea-

itor unreasonably delays or neglects to proceed, or where it appears that his judgment has been satisfied, his proceeding may be dismissed by the court upon like terms, upon the application of the judgment debtor, or of the plaintiff in a judgment creditor's action in equity, or of a judgment creditor who has instituted a subsequent proceeding hereunder.

Sec. 341. INTERVENTION—FORMS.] Whenever a proceeding by citation shall have been instituted and such citation served upon the judgment debtor in pursuance of the provisions of this Act, any other judgment creditor may intervene in such proceeding by filing a petition, verified by his affidavit, showing the amount of his judgment, the date when, and the court by whom, rendered, and the parties thereto and the amount due thereon, and thereupon such judgment creditor so intervening shall be entitled to have applied to the satisfaction of such amount as he may show to be due upon his judgment any money or property, or the proceeds thereof, obtained by means of such citation, over and above the amount due upon the judgment in favor of the party instituting such proceedings and the costs and expenses of such party, as fixed by the court; and the court shall have power to make all orders necessary for the proper application of such moneys and proceeds, and when such judgment creditor shall have intervened, as aforesaid, the proceedings shall not be discontinued without his consent until his judgment shall have been paid and satisfied. To entitle any such judgment creditor to intervene, it shall not be necessary that an execution shall have been issued upon his judgment. The following forms of petition of intervention and of order applying proceeds of property to judgments of interveners shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions and orders may be properly framed:

1. PETITION OF INTERVENTION BY JUDGMENT CREDITOR.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe. } Supplementary Proceeding. No. 30.

PETITION OF INTERVENTION.

The intervener, William Doe, says:

1. That on February 20, 1908, he recovered a judgment against the above named defendant, Richard Roe, in the superior court of Cook county, Illinois, in the case of William Doe v. Richard Roe, Contract, No. 32, for the sum of seven hundred dollars (\$700), together with costs of the action taxed at eight dollars (\$8).

2. That there is due to the intervener from the defendant, on said judgment, exclusive of interest and costs, seven hundred dollars (\$700).

Wherefore, the intervener prays for the enforcement of his said judgment in this proceeding, in the manner provided by law.

WILLIAM DOE,

By HENRY BROWN,

*Intervener's Attorney.*

William Doe on his oath says that he is the intervener in the above petition, and that the matters and things therein alleged are true in substance and in fact.

WILLIAM DOE.

Subscribed and sworn to before me this 10th day of June, 1908.

JOHN SMITH, *Clerk.*

2. ORDER APPLYING PROCEEDS TO JUDGMENTS OF INTERVENERS.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

John Doe  
v.  
Richard Roe. } Supplementary Proceeding. No. 25.  
February 24, 1908.  
Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this proceeding and of the person of the defendant, Richard Roe, hears the proofs in open court, and thereupon, upon consideration thereof the court doth order that the bailiff, out of the moneys in his hands received under the proceeding herein and remaining after the payment of the judgment set forth in the petition of the plaintiff herein, together with all other payments heretofore ordered by the court to be made out of said moneys, pay to William Thomas, in satisfaction of the judgment mentioned in his intervener's petition herein, the sum of eleven hundred and fifty dollars (\$1,150), and to George Thomas, in satisfaction of the judgment mentioned in his intervener's petition herein, the



sum of eight hundred seventy-five dollars (\$875), and that he pay the balance of two hundred seventy-five dollars (\$275) remaining in his hands to the defendant, Richard Roe.

Sec. 342. RESTRAINING ORDER—FORMS.] The municipal court, or any court before whom any judgment debtor or other person is required to appear or be brought for examination, upon the petition of the judgment creditor setting forth that the judgment creditor verily believes, and has reason to believe, that there is danger that the judgment debtor, or any other person or corporation to be cited, may transfer or otherwise dispose of the property of the judgment debtor, or the property or debt concerning which a citation for examination has been or is about to be issued, may make an order restraining such judgment debtor, or other person or corporation, from making or suffering any transfer or other disposition of or interference with the property of the judgment debtor, or the property or debt concerning which any person or corporation is required to attend and be examined, until further direction in the premises. The court, before entering any such order against any person or corporation, other than the judgment debtor, shall require the plaintiff to execute and file in the action an injunction bond conditioned, as near as may be, as other injunction bonds, in such penalty as the court may deem reasonable and with security to be approved by the court. The following forms of petitions, orders and bond provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions, orders and bonds may be properly framed:

1. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AFTER RETURN OF EXECUTION AND FOR RESTRAINING ORDER.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                                     |
|--------------|-------------------------------------|
| John Doe     | } Supplementary Proceeding. No. 25. |
| v.           |                                     |
| Richard Roe. |                                     |



PETITION FOR CITATION.

The plaintiff says:

1. That on February 10, 1908, he recovered a judgment against the defendant in said municipal court in the case of John Doe v. Richard Roe, Contract, No. 17, for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on said judgment and delivered to the bailiff and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is five hundred dollars (\$500).

4. That the plaintiff verily believes and has reason to believe, that there is danger that the defendant may transfer or otherwise dispose of his property to the injury of plaintiff unless restrained from so doing.

Wherefore plaintiff prays for a citation to said defendant, Richard Roe, requiring the defendant's appearance for examination at ten o'clock a. m., on Tuesday, June 1, 1908, and also for a restraining order.

JOHN DOE.

By THOMAS JONES,

*Plaintiff's Attorney.*

(Here add affidavit verifying petition as in other cases of petitions for citations.)

2. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND ANOTHER INDIVIDUAL AFTER RETURN OF EXECUTION AND FOR RESTRAINING ORDER.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                                     |
|--------------|-------------------------------------|
| John Doe     | } Supplementary Proceeding. No. 27. |
| v.           |                                     |
| Richard Roe. |                                     |

PETITION FOR CITATION.

The plaintiff says:

1. That on February 12, 1908, he recovered a judgment against said defendant in said municipal court in the case of John Doe v. Richard Roe, Contract, No. 21, for the sum of one thousand dollars (\$1,000), together with costs of the action taxed at eight dollars (\$8).

2. That on February 14, 1908, execution was duly issued on said judgment and delivered to the bailiff and was on May 1, 1908, duly returned by said bailiff wholly unsatisfied.

62 3. That the amount due plaintiff on said judgment, exclusive of interest  
63 and costs, is one thousand dollars (\$1,000).

64 4. That plaintiff is informed and believes, and so charges, that one  
65 William Roe of said city of Chicago, has personal property of said Richard Roe  
66 in his possession not exempt from execution or garnishment, among which  
67 personal property is a promissory note dated January 2, 1908, for the sum of  
68 five hundred dollars (\$500), made by Samuel Jones and payable to the order  
69 of Richard Roe at Chicago, Illinois, six months after date, with interest at six  
70 per cent per annum, and by Richard Roe indorsed, and that plaintiff verily  
71 believes, and has reason to believe, that there is danger that the said William  
72 Roe may transfer or otherwise dispose of said note to the injury of the plaintiff  
73 unless restrained from so doing.

74 Wherefore plaintiff prays for citations to said defendant Richard Roe and  
75 said William Roe, requiring their appearance for examination, at ten o'clock  
76 a. m., on Tuesday, June 1, 1908, and also for a restraining order against said  
77 William Roe.

78 JOHN DOE,

79 By THOMAS JONES.

80 *Plaintiff's Attorney.*

81 (Here add affidavit verifying petition.)

82 3. ORDER RESTRAINING DEFENDANT FROM TRANSFERRING OF OTHERWISE DISPO-  
83 SING OF PROPERTY.

84 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                                     |
|-----------------|-------------------------------------|
| 85 John Doe     | } Supplementary Proceeding. No. 25. |
| 86 v.           |                                     |
| 86 Richard Roe. |                                     |
|                 | February 24, 1908.                  |
|                 | Before Hon. John Jones, Judge.      |

87 This day, without notice to the defendant, upon the petition of the plaintiff  
88 for a citation filed herein and the affidavit verifying the same, the court doth  
89 thereupon and upon consideration thereof order that the defendant, Richard  
90 Roe, be and he is hereby enjoined and restrained, until the further order of  
91 this court, from transferring or otherwise in any manner disposing of any of  
92 his property, whether real or personal.

93 4. ORDER RESTRAINING THIRD PERSON FROM TRANSFERRING OF OTHERWISE DIS-  
94 POSING OF PROPERTY.

95 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                                     |
|-----------------|-------------------------------------|
| 96 John Doe     | } Supplementary Proceeding. No. 25. |
| 96 v.           |                                     |
| 97 Richard Roe. |                                     |
|                 | February 24, 1908.                  |
|                 | Before Hon. John Jones, Judge.      |

111      INJUNCTION BOND.

|                  |                                     |
|------------------|-------------------------------------|
| 113 John Doe     | } Supplementary Proceeding. No. 25. |
| 114 Richard Roe. |                                     |

116 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and  
117 William Smith, as surety, are held and firmly bound unto William Roe of Cook  
118 county, Illinois, in the penal sum of one thousand dollars (\$1,000), for the pay-  
119 ment of which well and truly to be made we bind ourselves, our heirs, executors,  
120 administrators and assigns, jointly and severally, firmly by these presents.

122 The condition of the above obligation is such that if the above bounden John  
123 Doe shall pay all damages and costs which may be awarded against him in  
124 favor of said William Smith in case the restraining order this day entered by  
125 the municipal court of Chicago, Illinois, in the above entitled action, shall be  
126 vacated or dissolved, then this obligation is to be void; otherwise the same is to  
127 be and remain in full force and effect.

130.      Approved. February 24, 1908.

131. JOHN JONES, *Judge.*



Sec. 343. BOND BY JUDGMENT DEBTOR—FORMS.] When any judgment debtor

2 has been arrested and brought before the court by virtue of a warrant issued  
3 as hereinbefore provided, and it shall appear to the satisfaction of the court  
4 from his examination or other proof that there is danger that he will leave  
5 the State, or conceal himself, and that he has property which he has unjustly  
6 refused to apply to the satisfaction of the judgment, the court may make an  
7 order requiring him to give a bond, with one or more sureties, in a sum  
8 fixed and within a time specified in the order, conditioned that he will, from  
9 time to time, as the court may direct, attend before the court, or before some  
10 officer appointed or to be appointed for that purpose, and that he will not,  
11 until discharged from arrest by virtue of the warrant, dispose of any of  
12 his property which is not exempt from execution or garnishment, and, if he  
13 fails to comply with such order, the court shall forthwith order him commit-  
14 ted to the county jail, there to remain until the close of the examination or  
15 the execution of the required undertaking, excepting that the court may direct  
16 the bailiff or other officer to produce him, from time to time, as required in  
17 the course of the proceedings. The following forms of order for the giving of  
18 a bond, of bond, and of order committing the defendant for failing to give  
19 such bond provided for in this section, shall be deemed sufficient and shall be  
20 taken as furnishing suggestions from which other orders and bonds may be  
21 properly framed:

22 1. ORDER REQUIRING DEFENDANT ARRESTED UNDER WARRANT TO GIVE BOND.

23 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

24 John Doe } Supplementary Proceeding. No. 25.  
v. } April 20, 1908.  
25 Richard Roe. } Before Hon. John Jones, Judge.

26 This day the court, having jurisdiction of the subject matter of this pro-  
27 ceeding and of the person of the defendant, Richard Roe, by his arrest under  
28 the warrant herein and his appearance, hears the proofs in open court and  
29 thereupon, upon consideration thereof, the court doth order that the said de-



30 fendant, Richard Roe, within ten days from this date execute and file herein  
 31 a bond with a surety or sureties to be approved by the court in the penal  
 32 sum of five hundred dollars (\$500), conditioned that he will, from time to time,  
 33 as the court may direct, attend before the court and that he will not, until dis-  
 34 charged from arrest by virtue of the warrant herein, dispose of any of his  
 35 property which is not exempt from execution or garnishment.

36 2. BOND OF DEFENDANT FOR ATTENDANCE BEFORE COURT.

37 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

38 John Doe  
 39 v. Richard Roe. } Supplementary Proceeding. No. 25.

40 BOND FOR ATTENDANCE.

41 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and  
 42 Henry Roe, as surety, are held and firmly bound unto the People of the State  
 43 of Illinois, in the penal sum of five hundred dollars (\$500), for the payment of  
 44 which well and truly to be made we bind ourselves, our heirs, executors, ad-  
 45 ministrators and assigns, jointly and severally, firmly by these presents.

46 Witness our hands and seals this 20th day of April, 1908.

47 The condition of this obligation is such that whereas on the 20th day of  
 48 April, 1908, the municipal court of Chicago, Illinois, in a certain supplemen-  
 49 tary proceeding therein pending under a certain judgment rendered by said  
 50 court against said Richard Roe, on the 10th day of February, 1908, for the sum  
 51 of five hundred dollars (\$500) and costs of the action, in favor of John Doe,  
 52 did enter an order requiring said Richard Roe to give a bond to attend be-  
 53 fore the court, from time to time, as the court might direct, and otherwise  
 54 conditioned as provided by law.

55 Now, therefore, if the said Richard Roe shall, from time to time, attend  
 56 before the municipal court of Chicago, Illinois, as the court may direct, and  
 57 shall not, until discharged from arrest by virtue of the warrant issued in such  
 58 proceeding, dispose of any of his property which is not exempt from execu-  
 59 tion or garnishment, then this obligation is to be void; otherwise the same is to  
 60 be and remain in full force and effect.

RICHARD ROE. (Seal.)

61 Approved April 20, 1908.

HENRY ROE. (Seal.)

62 JOHN JONES, *Judge*.

63           3. ORDER COMMITTING JUDGMENT DEBTOR TO COUNTY JAIL FOR FAILURE TO GIVE  
64 BOND.

65                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

66 John Doe        }  
67       v.           } Supplementary Proceeding. No. 25.  
                      } April 21, 1908.  
67 Richard Roe: } Before Hon. John Jones, Judge.

68       This day the court, having jurisdiction of the subject matter of this pro-  
69 ceeding and of the person of the defendant, Richard Roe, by his arrest under  
70 the warrant herein and his appearance, doth order that said defendant, Rich-  
71 ard Roe, be and he is hereby committed to the county jail of Cook county, until,  
72 unless otherwise discharged according to law, he shall execute and file herein a  
73 bond with a surety or sureties to be approved by the court, in the penal sum  
74 of five hundred dollars (\$500), conditioned that he will, from time to time, as  
75 the court may direct, attend before the court and that he will not, until dis-  
76 charged from arrest by virtue of the warrant herein, dispose of any of his prop-  
77 erty which is not exempt from execution or garnishment.

          Sec. 344. SPEEDY HEARING TO JUDGMENT DEBTOR COMMITTED TO JAIL.] Any  
2 judgment debtor committed to jail in pursuance of the provisions of the pre-  
3 ceding section shall be entitled to an immediate hearing and examination,  
4 and to that end such hearing shall take precedence over all other business of  
5 the court which does not involve the liberty of any person, and, unless such  
6 hearing and examination is entered upon within three days after such commit-  
7 ment, the judgment debtor shall be entitled to a discharge from his imprison-  
8 ment, upon entering into a recognizance, without security, in such sum as may  
9 be fixed by the court, conditioned as near as may be, like the bond hereinbe-  
10 fore provided for.

          Sec. 345. REFERENCE TO MASTER—FORM.] The court may, in its discretion,  
2 in any supplementary proceeding, make an order directing that an examination  
3 be had before a master in chancery, special commissioner or referee designated  
4 in the order, and that the master, special commissioner or referee, at the request  
5 of either party, report the evidence, either with or without his conclusions

6 thereon, and may order the issuance of a citation for the attendance of the  
 7 judgment debtor or any other person before the master for examination.  
 8 The following form of citation shall be deemed sufficient and shall be taken as  
 9 suggestions from which other citations may be properly framed:

10                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

11 John Doe.        }  
                   v.        }  
 12 Richard Roe.    } Supplementary Proceeding. No. 25.

13                   CITATION.

14 The People of the State of Illinois—GREETING to Richard Roe:

15       We hereby command you to personally be and appear before Henry Thomp-  
 16 son, Esq., master in chancery of the circuit court of Cook county, Illinois, at his  
 17 office, Room 607, No. 100 Washington street, Chicago, Illinois, at ten o'clock  
 18 a. m. on the first day of June, 1908, to be examined under oath concerning  
 19 your property in a certain supplementary proceeding pending in said municipi-  
 20 pal court under a certain judgment rendered by said court against you on the  
 21 10th day of February, 1908, for the sum of five hundred dollars (\$500) and  
 22 costs of the action in favor of John Doe.

23       Witness John Smith, clerk of said municipal court, and the seal thereof, at  
 24 Chicago, Illinois, this 25th day of May, 1908.                   JOHN SMITH, *Clerk.*

      Sec. 346. SERVICE OF ORDER.] Any order made in a supplementary pro-  
 2 ceeding may be served by delivering a certified or sworn copy thereof to the  
 3 person to be served and the same may be served by any officer or person au-  
 4 thorized by this Act to serve a summons.

      Sec. 347. COURT MAY DESIGNATE DAYS FOR EXAMINATIONS.] The court may,  
 2 by rule, designate one or more days or parts of days of each week for the ex-  
 3 amination of judgment debtors in supplementary proceedings, and when such  
 4 designation is so made the citation herein provided for shall require the ap-  
 5 pearance of the persons cited on the days so designated.



Sec. 348. OTHER PROCEEDINGS TO BE REGULATED BY RULES.] All other proceedings pertaining to citations and examinations of judgment debtors shall be regulated by such rules as may be adopted by the Supreme Court, and the Supreme Court shall have power to adopt all further rules and regulations, not inconsistent with the provisions of this Act or otherwise inconsistent with law, which the court may deem necessary to carry into effect the intention of this section, which is to enable the judgment creditor to collect the amount of his judgment out of any personal property of the debtor not exempt from execution or garnishment, or out of any moneys due to the judgment debtor exceeding the amount exempt by law from garnishment, or out of any property which the judgment debtor may have conveyed, transferred or otherwise made disposition of with intent to disturb, delay, hinder or defraud his creditors, and to cause such property to be applied in satisfaction of such judgment

Sec. 349. COMPLAINT—REQUISITES—FORM.] When any person shall complain to the municipal court that a person has threatened or is about to commit an offense against the person or property of another such complaint shall be reduced to writing and shall be subscribed and sworn to by the person complaining. Such complaint shall contain a concise statement of the offense alleged to be threatened or to be about to be committed, the name of the person alleged to have threatened or to be about to commit the offense, and that the complainant has just and reasonable grounds to believe that such person is about to commit such offense. The following form of complaint shall be deemed sufficient and shall be taken as furnishing suggestions from which other complaints may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                   |                             |
|----|-------------------|-----------------------------|
| 13 | The People of the | } Peace Proceeding. No. 25. |
| 14 | State of Illinois |                             |
|    | v.                |                             |
| 15 | Richard Roe.      |                             |



## COMPLAINT.

John Doe, who prosecutes in this behalf in the name and by the authority of the People of the State of Illinois, on his oath complains and says that on the first day of January, 1908, at Chicago, in the county of Cook, Richard Roe did unlawfully threaten that he, the said Richard Roe, would kill and murder him, the said John Doe, against the peace and dignity of the same People of the State of Illinois.

JOHN DOE.

Subscribed and sworn to before me this 10th day of January, 1908.

THOMAS JONES, *Clerk*.

Sec. 350. FILING COMPLAINT—ORDER FOR WARRANT—FORM.] The complaint

so subscribed and sworn to shall be delivered to the clerk who shall thereupon file the same and forthwith bring the same to the attention of the court and the court may thereupon further examine the complaining witness and any witness produced by him. If, from the said complaint and from such evidence as may be produced before the court in support of the same, the court is satisfied that there is danger that such offense will be committed, the case shall be duly entered by the clerk in the proper register and minute book under the title of the People of the State of Illinois against the person accused and the court shall order the clerk to issue a warrant directed to the bailiff and also to the sheriff and all constables of Cook county requiring them to forthwith apprehend the person complained of and bring him before the court and such warrant shall thereupon be issued by the clerk and may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                   |                             |
|----|-------------------|-----------------------------|
| 15 | The People of the | } Peace Proceeding. No. 25. |
| 16 | State of Illinois |                             |
| 17 | Richard Roe.      |                             |

## WARRANT.

The People of the State of Illinois—GREETING to the bailiff of said municipal court and also to the sheriff and all constables of Will county:

We command you that you take Richard Roe and him safely keep so that

22 you have his body instanter before the municipal court of Chicago at No. 148  
 23 Michigan avenue, Chicago, Illinois, to answer to the People of the State of Illi-  
 24 nois for having threatened to kill and murder one John Doe, with which the  
 25 said Richard Roe stands charged in our said court as by a certain complaint on  
 26 oath preferred against him and filed in said court in that behalf appears and  
 27 to be dealt with according to law.

28 Witness John Jones, clerk of our said municipal court and the seal thereof  
 29 at Chicago, aforesaid this 10th day of January, 1908.

30 JOHN JONES, *Clerk.*

Sec. 351. ARREST OF DEFENDANT—HEARING—ORDER — RECOGNIZANCE — FORM.]

2 The officer to whom the warrant is delivered shall execute the same when prac-  
 3 ticable by arresting the defendant and bringing him before the court. When the  
 4 defendant is brought before the court, if the charge is controverted, the testi-  
 5 mony of both sides shall be heard. If it shall appear to the court that there is  
 6 no just reason to fear the commission of the offense the defendant shall be dis-  
 7 charged; and, if the court be of the opinion that the prosecution was commenced  
 8 maliciously without proper cause, the court may give judgment against the  
 9 complainant for the costs of the prosecution. If, however, there is just reason  
 10 to fear the commission of such offense the defendant shall be required to give  
 11 a recognizance with sufficient security in such sum as the court may direct to  
 12 keep the peace towards all the people of this State and especially towards the  
 13 person against whom or whose property there is just reason to fear the offense  
 14 may be committed for such time, not exceeding twelve months, as the court may  
 15 order. Such recognizance may be in substantially the following form, to-wit:

16 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                    |                             |
|----|--------------------|-----------------------------|
| 17 | The People of the  | } Peace Proceeding. No. 25. |
| 18 | State of Illinois  |                             |
| 19 | v.<br>Richard Roe. |                             |

20 RECOGNIZANCE.

21 This day personally appeared before the undersigned, judge of the muni-  
 22 cipal court of Chicago, Richard Roe, as principal, and William Roe and William

23 Smith, as sureties, and jointly and severally acknowledged themselves to owe  
 24 and to be indebted to the People of the State of Illinois in the penal sum of five  
 25 hundred dollars (\$500), to be levied of their goods and chattels, lands and tene-  
 26 ments, respectively, in such manner as the law directs.

27 The condition of this recognizance is such that if the above bounden Richard  
 28 Roe shall keep the peace towards all the people of this State and especially  
 29 towards John Doe of Chicago, Illinois, for six months from the 12th day of  
 30 January, 1908. then this recognizance is to be void; otherwise the same is to be  
 31 and remain in full force and effect.

32 Witness our hands and seals at Chicago, Illinois, this 12th day of Jan-  
 33 uary, 1908.

34 RICHARD ROE, [SEAL.]

35 WILLIAM ROE, [SEAL.]

36 WILLIAM SMITH, [SEAL.]

37 Taken, acknowledged and entered into before me this 12th day of January,  
 38 1908.

39 WILLIAM JONES, *Judge.*

Sec. 352. DISCHARGE OF COMMITMENT OF DEFENDANT.] If the person so  
 2 ordered to recognize complies with the order he shall be discharged, but if he  
 3 refuses or neglects the court shall order him committed to jail during the period  
 4 for which he was required to give security or until he so recognize, stating in  
 5 the order the cause of the commitment with the sum and time for which the  
 6 security was required.

Sec. 353. COSTS OF PROSECUTION.] When a person is required to give se-  
 2 curity to keep the peace or for his good behavior the court may further order  
 3 that the costs of prosecution, or any part thereof, shall be paid by such per-  
 4 son, who shall stand committed until the costs are paid or he is otherwise legally  
 5 discharged.

Sec. 354. APPEAL—RECOGNIZANCE—FORM.] Whoever is aggrieved by the  
 2 order of the court requiring him to recognize as aforesaid may prosecute an ap-  
 3 peal from such order to the appellate court of the first district by filing in the



4 office of the clerk of the municipal court a notice of appeal, and entering into a  
5 recognizance conditioned that he will pay the costs of the appeal in case the  
6 order is affirmed or the appeal dismissed, and that he will keep the peace to-  
7 wards all the people of this State and especially towards the person against  
8 whom or whose property there is reason to fear the offense may be committed  
9 for such time, not exceeding twelve months, as the court may order. Such re-  
10 cognizance may be in substantially in the following form:

11 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

12 The People of the  
13 State of Illinois }  
14 v. Richard Roe. } Peace Proceeding. No. 25.

15 . . . . . RECOGNIZANCE.

16 This day personally appeared before the undersigned, judge of the munici-  
17 pal court of Chicago, Illinois, Richard Roe, as principal, and William Roe and  
18 William Smith, as sureties, and jointly and severally acknowledged themselves  
19 to owe and to be indebted unto the People of the State of Illinois in the penal  
20 sum of five hundred dollars (\$500) to be levied of their goods and chattels,  
21 lands and tenements, respectively, in such manner as the law directs.

22 The condition of this recognizance is such that whereas the municipal court  
23 of Chicago, Illinois, did, on the 12th day of January, 1908, order and require the  
24 above bounden Richard Roe to give recognizance with sufficient security in the  
25 sum of five hundred dollars (\$500) to keep the peace towards all the people of  
26 this State, and especially towards John Doe, for twelve months from the 12th  
27 day of January, 1908, and to pay the costs of the action as to which order  
28 the said Richard Roe has filed notice of appeal to the appellate court of the  
29 second district.

30 Now, therefore, if the said appellant, Richard Roe, shall pay the costs of  
31 the appeal in case the said order is affirmed or the appeal dismissed and shall  
32 also keep the peace towards all the people of this State and especially towards the  
33 said John Doe for six months from the 12th day of January, 1908, then this  
34 recognizance is to be void; otherwise the same is to be and remain in full force  
35 and virtue.

36 RICHARD ROE, [SEAL.]  
37 WILLIAM ROE, [SEAL.]  
38 WILLIAM SMITH, [SEAL.]



39 Taken, acknowledged and entered into before me this 12th day of January,  
40 1908.

41 WILLIAM JONES, *Judge*.

Sec. 355. DEFENDANT COMMITTED DISCHARGED WHEN.] A person committed  
2 for not finding sureties or refusing to recognize as required by the court, may  
3 be discharged by the court on giving such security as was required.

Sec. 356. SURETIES MAY SURRENDER PRINCIPAL.] The sureties of any per-  
2 son bound by an order of court to keep the peace may at any time surrender  
3 their principal to the sheriff under the same rules and regulations governing  
4 the surrender of the principal in other criminal actions.

Sec. 357. PERSON SURRENDERING MAY RECOGNIZE ANEW.] Any person so sur-  
2 rendering may recognize anew with sufficient sureties before the court for  
3 the residue of the time and shall thereupon be discharged.

Sec. 358. NO DISMISSAL FOR INFORMALITY, ETC.] No proceeding to prevent  
2 a breach of the peace shall be dismissed on account of any informality or in-  
3 sufficiency of the complaint, or of any writ or proceeding, but the same may be  
4 amended by the order of the court to conform to the truth in the case.

Sec. 359. COMPLAINT—REQUISITES—FORM.] When any person, shall com-  
2 plain to the municipal court that personal property (particularly describing  
3 the same) has been stolen, embezzled or fraudulently obtained by false tokens  
4 or pretenses and that the complainant believes that it is concealed in any house  
5 or place (particularly describing the same), such complaint shall be reduced  
6 to writing and shall be subscribed and sworn to by the person complaining.  
7 The following form of complaint shall be deemed sufficient and shall be taken  
8 as furnishing suggestions from which other complaints may be properly  
9 framed:

## IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

11 The People of the State of Illinois  
       v.  
 12 No. 95 Main Street, Chicago, Illinois. } Search Warrant. No. 21.

## COMPLAINT.

14 John Doe, who prosecutes in this behalf in the name and by the authority  
 15 of the People of the State of Illinois on his oath complains to the municipal  
 16 court of Chicago, and says that on or about the first day of January, 1908, the  
 17 following described goods and chattels of him, the said John Doe, to-wit: one  
 18 open faced Elgin gold watch and ten silver table spoons were feloniously  
 19 taken, stolen and carried away, and this complainant verily believes that the  
 20 said goods and chattels or a portion thereof are now concealed in the prem-  
 21 ises known as No. 95 Main Street, Chicago, in the county of Cook, and that the  
 22 following are this complainant's reasons for the said belief, to-wit: that com-  
 23 plainant was, this day informed by one William Smith, that he, the said Wil-  
 24 liam Smith, saw the said property upon said premises on the second day of  
 25 January, 1908.

26 Wherefore this complainant prays that a search warrant may issue ac-  
 27 cording to law. JOHN DOE.

28 Subscribed and sworn to before me this 3d day of January, 1908.

29 WILLIAM BROWN, *Clerk*.

Sec. 360. FILING OF COMPLAINT--ORDER--WARRANT--FORM.] The complainant,  
 2 when so subscribed and sworn to, shall be delivered to the clerk of the court,  
 3 who shall thereupon file the same and forthwith bring the same to the atten-  
 4 tion of the court, and the court may thereupon further examine the complaining  
 5 witness and any witness produced by him. If, from said complaint and from  
 6 such evidence as may be produced before the court in support of the same, it  
 7 shall appear to the court that the personal property described in the complaint  
 8 has been stolen, embezzled or fraudulently obtained by false tokens or pre-  
 9 tenses, and that there is reasonable cause for the complainant's belief that such  
 10 personal property is concealed in the house or place described in the complaint,  
 11 the proceeding shall be duly entered by the clerk in the register and minute  
 12 book, under the title of the People of the State of Illinois against the house

or place to be searched, and the court shall order the clerk to issue a warrant, directed to the bailiff, and also to the sheriff and to all constables of the county, commanding the officer to whom the same is delivered to search, either in the day time or the night time, the house or place where the property or things described in the complaint are believed to be concealed, which place and property shall be particularly designated and described in the warrant, and to bring such property, when found, and the person in whose possession it is found before the court. Such warrant shall thereupon be issued by the clerk, and may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|  |                           |
|--|---------------------------|
| The People of the State of Illinois    | } Search Warrant. No. 21. |
| No. 95 Main Street, Chicago, Illinois. |                           |

SEARCH WARRANT.

The People of the State of Illinois—GREETING to the bailiff of said municipal court, and also to the sheriff and all constables of Cook county, Illinois:

We command you to forthwith search, either in the day time or night time, the premises known as No. 95 Main Street, in Chicago, Illinois, situated in the county of Cook aforesaid, and bring before the municipal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, the following property, to-wit: one open faced Elgin gold watch and ten silver table spoons, being the property of one John Doe, and also bring before the court the person or persons in whose possession the said personal property may be found.

Witness William Brown, clerk of our said court, and the seal thereof, at Chicago aforesaid, this 3d day of January, 1908.

WILLIAM BROWN, *Clerk*.

Sec. 361. POWER OF OFFICER.] The officer may break open any outer or inner door or window of the house or any thing therein, if, after notice of his authority and purpose he is refused admittance, using no more force than is necessary.

Sec. 362. RETURN OF OFFICER.] The return of the officer shall particularly specify the property taken and the place where and the person from whom the same is taken.

Sec. 363. KEEPING PROPERTY—FINAL DISPOSITION.] When an officer, in the  
 2 execution of a search warrant, finds stolen or embezzled property, or seizes  
 3 any of the other things for which a search warrant is allowed by the provi-  
 4 sions hereof, all the property and things so seized shall be safely kept by the  
 5 direction of the court so long as necessary for the purpose of being produced  
 6 or used as evidence on the trial. As soon as may be afterwards all such stolen  
 7 and embezzled property shall be returned to the owner thereof and all the  
 8 other things seized by virtue of such warrant shall be burned or otherwise de-  
 9 stroyed under the direction of the court.

Sec. 364. WHEN COSTS TAXED AGAINST COMPLAINANT.] If, on the hearing, it  
 2 appears that there was no proper cause for suing out the warrant the whole  
 3 costs may be taxed against the complainant and execution awarded.

Sec. 365. SEARCH OF PERSON FOR WEAPONS.] When any person charged  
 2 with a felony is brought before the court and suspected to have upon his  
 3 person a dangerous weapon or anything that may be used as evidence of the  
 4 commission of the offense, the court may direct him to be searched in the pres-  
 5 ence of the court, and such weapon or other thing to be retained, subject to  
 6 the order of the court in which the defendant may be tried.

Sec. 366. COMPLAINT—FORM.] When any person shall complain to the mu-  
 2 nicipal court that any criminal offense has been committed which is punishable  
 3 by death or confinement in the penitentiary, such complaint shall be reduced to  
 4 writing and shall be subscribed and sworn to by the person complaining. Such  
 5 complaint shall contain a concise statement of the offense charged to have been  
 6 committed and the name of the person accused, and that the complainant has  
 7 just and reasonable grounds to believe that such person committed the offense.  
 8 Such complaint may be in substantially the following form:



## IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

10 The People of the }  
 11 State of Illinois } Examination. No. 20.  
                   v.  
 12 Richard Roe.

## COMPLAINT.

14 John Doe, of Chicago, Cook county, Illinois, who prosecutes in this behalf in  
 15 the name and by the authority of the People of the State of Illinois, on his oath  
 16 complains and says that he has just and reasonable grounds to believe that Rich-  
 17 ard Roe did, on the first day of January, 1908, at Chicago, in the county afore-  
 18 said, feloniously take, steal and carry away one gold watch, then and there being  
 19 the personal property of him, the said John Doe, of the value of twenty-five  
 20 dollars (\$25), against the peace and dignity of the same People of the State of  
 21 Illinois, and the said John Doe further says upon his oath that the said offense  
 22 has been committed and tht the following are the grounds of his belief that the  
 23 said Richard Roe committed the same, to-wit: that he, the said John Doe, on the  
 24 second day of January, 1908, saw the said gold watch in the possession of him,  
 25 the said Richard Roe.

26 Wherefore the said John Doe prays that a warrant may issue against the  
 27 said Richard Roe according to law.

JOHN DOE.

Subscribed and sworn to before me this 2d day of January, 1908.

JOSEPH BROWN, *Clerk*.

Sec. 367. FILING OF COMPLAINT—ORDER—WARRANT—FORM.] The complaint

2 when so subscribed and sworn to shall be delivered to the clerk of said court,  
 3 who shall thereupon file the same and forthwith bring the same to the attention  
 4 of the court, and the court may thereupon further examine the complaining wit-  
 5 ness and any witness produced by him. If, from the said complaint and from  
 6 such evidence as may be produced before the court in support of the same, it  
 7 shall appear to the court that the offense therein specified has been committed,  
 8 the action shall, by the order of the court, be duly entered by the clerk in the  
 9 proper register and minute book, and the court shall direct the clerk to issue a  
 10 warrant directed to the bailiff and all sheriffs, coroners and constables within this

16 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

20 WARRANT.

33 JAMES SMITH, *Clerk.*

Sec. 369. WARRANT MAY BE DIRECTED TO PERSON NAMED.] When the court or-  
ders the issuance of a warrant it may also by such order authorize a person to  
be named in the order to execute the same and the warrant shall thereupon be

4 directed to the bailiff and all sheriffs, coroners and constables within this State  
 5 and to the person so named in such order, and the person so named may execute  
 6 such warrant in the same manner and shall have like powers as if he were an  
 7 officer named in the warrant, and the bailiff and all sheriffs, coroners and con-  
 8 stables and others, when required in their respective counties, shall aid in the  
 9 execution of such warrant.

Sec. 370. OFFICER MAY PURSUE PERSON ESCAPING.] If a person against whom  
 2 a warrant is issued out of the municipal court for any alleged offense, before or  
 3 after the issuing of such warrant, escapes from or out of the city of Chicago,  
 4 the officer to whom such warrant is directed may pursue and apprehend the  
 5 party charged in any county of this State, and for that purpose may command  
 6 aid and exercise the same authority as in the city of Chicago.

Sec. 371. ARREST OUT OF COUNTY—DUTY OF OFFICER.] When a person is ar-  
 2 rested under a warrant issued out of the municipal court, and such arrest is made  
 3 in a county other than that in which the warrant is issued, the officer shall take  
 4 him before the municipal court, or, in case no judge be present at such court,  
 5 then to any other court of record in the county of Cook at which a judge may then  
 6 be present.

Sec. 372. POWER OF OFFICER.] The officer or any person having the custody  
 2 of a prisoner by authority of any warrant issued out of the municipal court may  
 3 pass through any counties which may be in his route between the place of arrest  
 4 and the place to which he is taking the prisoner, and may lodge the prisoner in  
 5 any jail on the route for safe keeping for one night or more as circumstances may  
 6 require.

Sec. 373. BEFORE WHAT COURT PERSON ARRESTED TO BE BROUGHT.] Every per-  
 2 son arrested by warrant out of the municipal court for any offense where no



3 other provision is made for the examination thereon, shall be brought before said  
 4 court, or, if there be no judge in attendance upon said court, then before some  
 5 other court of record in Cook county, and the warrant with the proper return  
 6 thereon signed by the person who made the arrest, together with a copy of the  
 7 complaint, shall be delivered to the clerk of said court and shall be by him filed,  
 8 and in such case the proceeding shall be docketed in said court and shall be con-  
 9 ducted as if originally commenced in said court and the officer shall report to the  
 10 municipal court the disposition made thereof.

Sec. 374. ADJOURNMENT—COMMITMENT—RECOGNIZANCE—FORM.] The court  
 2 may, for good cause appearing, adjourn an examination or trial pending before it  
 3 from time to time as occasion may require, not exceeding thirty days at any one  
 4 time, without the consent of the defendant or person charged. In the meantime  
 5 if the party is charged with an offense not bailable he shall be committed; other-  
 6 wise he may be recognized in a sum and with sureties to the satisfaction of the  
 7 court for his appearance from day to day and for his abiding the order of the court  
 8 in all things and not departing the same without leave until the final order of the  
 9 court. Upon such examination for want of such recognizance he shall be com-  
 10 mitted to jail. No such proceeding shall be deemed discontinued because of  
 11 the failure of the court to proceed with the case at the time to which any ad-  
 12 journment may be had, but such proceeding shall remain under the control of  
 13 the court until the entry of the final order therein. The recognizance in this sec-  
 14 tion provided for may be in substantially the following form:

15 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                   |                        |
|----|-------------------|------------------------|
| 16 | The People of the | } Examination. No. 20. |
| 17 | State of Illinois |                        |
| 18 | Richard Roe.      |                        |

19 RECOGNIZANCE.

20 This day personally appeared before the undersigned, a judge of the mu-  
 21 nicipal court of Chicago, Illinois, Richard Roe, as principal, and Thomas Jones



22 and William Smith, as sureties, and jointly and severally acknowledged them-  
 23 selves to owe and to be indebted unto the People of the State of Illinois in the  
 24 penal sum of one thousand dollars (\$1,000) to be levied of their goods and chat-  
 25 tels, lands and tenements, respectively, in such manner as the law directs.

26 The condition of this recognizance is such that if the above bounden Richard  
 27 Roe shall personally be and appear before the municipal court of Chicago at No.  
 28 148 Michigan avenue, in said city of Chicago, from day to day hereafter until the  
 29 entry of the final order of the court, upon a certain complaint therein preferred  
 30 against him charging him with the offense of larceny of a gold watch of the value  
 31 of twenty-five dollars (\$25), the property of one John Doe, being the case of the  
 32 People of the State of Illinois v. Richard Roe, Examination, No. 20, and shall  
 33 abide the order of said court in all things and not depart the same without leave,  
 34 then this recognizance is to be void; otherwise the same is to be and remain in  
 35 full force and virtue.

36 Witness our hands and seals at Chicago, Illinois, this second day of January,  
 37 1908.

38 RICHARD ROE, [SEAL]

39 THOMAS JONES, [SEAL]

40 WILLIAM SMITH. [SEAL]

41 Taken, acknowledged and entered into before me this second day of Janu-  
 42 ary, 1908.

43 THOMAS SMITH, *Judge*.

Sec. 375. NON-APPEARANCE OF DEFENDANT—DEFAULT AND FORFEITURE, ETC.]

2 If the person so recognized does not appear before the court according to the con-  
 3 dition of such recognizance the court shall enter an order of default against such  
 4 person and his sureties and a judgment of forfeiture thereon, and the clerk of  
 5 the court shall thereupon issue a summons to such person and his sureties, and  
 6 other proceedings shall be had thereon as provided in this act with respect to  
 7 actions on recognizances.

Sec. 376. COMMITMENT OF DEFENDANT—BRINGING DEFENDANT BEFORE COURT.]

2 When a person fails to recognize he may be committed to jail by an order of the  
 3 court, which order shall contain a concise statement of the reason of such com-  
 4 mitment and the day and place appointed for his examination, and on the day

5 appointed he may be brought before the court by a verbal order of the court to  
6 the officer who made the commitment or by an order of the judge in writing to  
7 a different person.

Sec. 377. NO DISCHARGE FOR INFORMALITY—AMENDMENT.] The prisoner shall  
2 not in any case be discharged on account of any insufficiency or informality in  
3 the warrant or because it is not under seal, but the warrant may be amended  
4 by order of the court at any time pending the proceedings.

Sec. 378. EXAMINATION—DISCHARGE — COMMITMENT — RECOGNIZANCE—FORM.]  
2 The court, when any person charged with a criminal offense punishable by death  
3 or confinement in the penitentiary is brought before it with or without a war-  
4 rant, shall, as soon as may be, examine the witness or witnesses in support of  
5 the prosecution, as well as those who may be produced on behalf of the ac-  
6 cused, on oath in the presence of the party charged, in relation to any matter  
7 connected with such charge which the court may deem pertinent. While a wit-  
8 ness is being examined the court, if it sees cause therefor, may exclude from  
9 the place of examination all the other witnesses, or direct the witnesses to be  
10 kept separate so that they cannot converse with each other until they have been  
11 examined. If it appears to the court upon the whole examination that no  
12 offense has been committed, or that there is no probable cause for charging the  
13 prisoner with the offense, he shall be discharged. If it appears that an of-  
14 fense has been committed and that there is probable cause to believe the prisoner  
15 guilty, and if the offense is bailable by the court and the prisoner offers suffi-  
16 cient bail, a recognizance shall be taken and the prisoner released from custody;  
17 but if no sufficient bail is offered or the offense is not bailable by the court, the  
18 court shall enter an order committing the prisoner to jail for trial in the muni-  
19 cipal court, if the criminal action be one within the jurisdiction of said court, or,  
20 if the action be one not within the jurisdiction of said court, then in some court

21 of the proper county having jurisdiction of such action. The recognizance in  
22 this action provided for may be in substantially the following form:

23                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

24 The People of the  
25 State of Illinois } Examination. No. 20.  
                  v.       }  
26 Richard Roe.       }

27                   RECOGNIZANCE.

28       This day personally appeared before the undersigned, a judge of the municipi-  
29 pal court of Chicago, Richard Roe, as principal, and Thomas Jones and Wil-  
30 liam Smith, as sureties, and jointly and severally acknowledged themselves to  
31 owe and to be indebted unto the People of the State of Illinois in the penal sum  
32 of two thousand dollars (\$2,000), to be levied of their goods and chattels, lands  
33 and tenements, respectively, in such manner as the law directs.

34       The condition of this recognizance is such that if the said Richard Roe shall  
35 personally be and appear before the municipal court of Chicago at No. 148 Michi-  
36 gan avenue in said city of Chicago, on the 4th day of February, 1908, at the  
37 opening of court on that day, and from day to day thereafter until the final  
38 sentence or order of the court, to answer for the offense of larceny of a gold  
39 watch of the value of twenty-five dollars (\$25), the property of one John Doe,  
40 and shall abide such final sentence or order and not depart the court without  
41 leave, then this recognizance is to be void; otherwise the same is to be and remain  
42 in full force and virtue.

43       Witness our hands and seals at Chicago aforesaid this second day of Febru-  
44 ary, 1908.

45   RICHARD ROE,                   [SEAL]  
46   THOMAS JONES,               [SEAL]  
47   WILLIAM SMITH.           [SEAL]

48       Taken, acknowledged and entered into before me this second day of Janu-  
49 ary, 1908.

50   THOMAS SMITH, *Judge*.

      Sec. 379. RECOGNIZANCE OF WITNESSES—FORM.] When the prisoner is admit-  
2 ted to bail or committed, the court shall bind by recognizance such witnesses  
3 against the prisoner as the court deems material to appear and testify at the



|    |                   |                        |
|----|-------------------|------------------------|
| 10 | The People of the | } Examination. No. 20. |
| 11 | State of Illinois |                        |
|    | v.                |                        |
| 2  | Richard Roe.      |                        |

14 This day personally appeared before the undersigned, judge of the munici-  
15 pal court of Chicago, Illinois,, John Doe and acknowledged himself to owe and to  
16 be indebted unto the People of the State of Illinois in the penal sum of one  
17 hundred dollars (\$100), to be levied of his goods and chattels, lands and tene-  
18 ments, respectively, in such manner as the law directs.

19       The condition of this recognizance is such that if the above bounden John  
20 Doe shall personally be and appear before the municipal court of Chicago, at No.  
21 148 Michigan avenue, Chicago, Illinois, on the fourth day of February, 1908,  
22 at the opening of court on that day and from day to day thereafter, to testify  
23 in the case of the People of the State of Illinois against Richard Roe, charged  
24 with the offense of larceny, and not depart the same without leave, then this  
25 recognizance is to be void; otherwise the same is to be and remain in full force  
26 and virtue.

29 Taken, acknowledged and entered into before me this second day of Janu-  
30 ary, 1908.

31 THOMAS SMITH, *Judge.*

Sec. 380. RECOGNIZANCE OF MARRIED WOMAN OR MINOR.] When any married  
2 woman or minor is a material witness any other person may be allowed to rec-  
3 ognize for the appearance of such witness; or the court may, in its discretion,  
4 take the recognizance of such married woman or minor in a sum not exceeding



5 fifty dollars (\$50), which shall be valid and binding in law notwithstanding the  
 6 coverture or minority: *Provided*, that no such married woman or minor shall  
 7 be required to give other security than her or his own recognizance for such  
 8 appearance.

Sec. 381. COMMITMENT OF WITNESSES.] Witnesses required to recognize  
 2 shall, if they refuse, be committed to jail by the court there to remain until  
 3 they comply with such order or are otherwise discharged according to law.

Sec. 382. ORDER OF COMMITMENT.] When any defendant or witness is com-  
 2 mitted because he fails to enter into a recognizance as required by law, or be-  
 3 cause the offense is not bailable, the court shall cause to be entered upon the  
 4 register and minute book an order committing such defendant or witness to the  
 5 county jail until he is discharged by due process of law. If the offense is bailable,  
 6 or the person committed is a witness, the court shall specify in the order the  
 7 amount of bail required. Upon the entry of such order the clerk of the court in  
 8 which the same is entered shall prepare a certified copy of the entries in the reg-  
 9 ister and minute book pertaining to the proceeding and shall deliver the same  
 10 to the bailiff or other person for the execution of the order of the court. The fol-  
 11 lowing form of certificate of the clerk in this section provided for shall be deemed  
 12 sufficient and shall be taken as furnishing suggestions from which other certifi-  
 13 cates may be properly framed:

14 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                      |                        |
|----------------------|------------------------|
| 15 The People of the | } Examination. No. 50. |
| 16 State of Illinois |                        |
| 17 Richard Roe.      |                        |

18 CERTIFICATE.

19 I, John Smith, clerk of the municipal court of Chicago, Illinois, do hereby  
 20 certify that the above and foregoing is a true copy of the entries in the register  
 21 and minute book in the above entitled proceeding and that the same is delivered



Sec. 386. PROCEDURE WHEN OFFENSE PUNISHABLE BY DEATH OR CONFINEMENT IN PENITENTIARY.] When, upon any such examination, it appears that an offense has been committed and that there is probable cause to believe the prisoner guilty and that such offense is one punishable by death or imprisonment in the penitentiary, the court may make an order directing the filing by the state's attorney of an information against such prisoner for such offense in said municipal court, and it shall thereupon be the duty of the state's attorney to forthwith file such information: *Provided, however,* that the provisions of this section shall not become operative until the grand jury shall have been abolished by law in all cases.

Sec. 387. CRIMINAL CASES NOT PUNISHABLE BY CONFINEMENT IN THE PENITENTIARY OR DEATH-PRACTICE.] All criminal actions in the municipal court in which the punishment lies by fine or imprisonment otherwise than in the penitentiary may be prosecuted by information of the attorney general, or state's attorney, or some other person, and, when any such information is presented by any person other than the attorney general or state's attorney, it shall be verified by the affidavit of such person that the same is true, or that the same is true as he is informed and believes. Before an information is filed by any person other than the attorney general or state's attorney, one of the judges of the municipal court shall examine the information and may examine the person presenting the same and require other evidence and satisfy himself that there is probable cause for the filing of the same and so endorse the same. Every information shall set forth the offense with reasonable certainty.

Sec. 388. CRIMINAL ACTIONS PUNISHABLE BY IMPRISONMENT IN THE PENITENTIARY OR DEATH-PRACTICE.] Criminal actions in which the punishment may be imprisonment in the penitentiary or death, in case the laws in force from time to time may permit such actions to be prosecuted by information, shall be prose-

5 cuted in the same manner as may be provided for by law from time to time  
6 with respect to similar informations prosecuted in the criminal court of Cook  
7 county.

Sec. 389. FIXING AMOUNT OF BAIL.] When an information is filed without  
2 leave of court, or leave is given by the court to file the same, the court shall  
3 make an order fixing the amount of bail to be required of the accused, and the  
4 amount so fixed shall be indorsed upon the information.

Sec. 390. HOW AMOUNT OF BAIL DETERMINED.] In a case in which the punish-  
2 ment provided by law is a fine only, the amount of the bail to be required of the  
3 defendant shall in no case be more than twenty per cent. in excess of the  
4 amount of the maximum fine so provided. In case the punishment is imprison-  
5 ment in the county jail, a work-house or a house of correction without a fine in  
6 addition thereto, the amount of bail to be required of the defendant shall not  
7 exceed fifty dollars (\$50) for each month of the maximum imprisonment so pro-  
8 vided. In case the punishment is both imprisonment in the county jail, the  
9 work-house or a house of correction and a fine, the amount of such bail shall  
10 not exceed fifty dollars (\$50) for each month or fractional month of such  
11 maximum imprisonment, and in addition thereto a sum not more than ten per  
12 cent. in excess of the maximum fine therein provided. In case the punishment  
13 may be imprisonment in the penitentiary, the amount of such bail shall be such  
14 sum as, in the opinion of the court, will insure the appearance of the defendant  
15 in accordance with the terms of the recognizance: *Provided, however, that ex-*  
16 *cessive bail shall not be required and that the same shall in no case exceed*  
17 *twenty-five thousand dollars (\$25,000), and that when several informations*  
18 *against the same defendant are pending in the municipal court at the same time,*  
19 *the total bail required in all of said informations shall not exceed fifty thousand*  
20 *dollars (\$50,000).*



Sec. 391. DEPOSIT IN LIEU OF BAIL—FORM.] In lieu of giving bail the defendant shall, if he so elect, be permitted to deposit with the clerk a sum in cash as security that he will personally be and appear before the court from day to day thereafter until the final sentence or order of the court, and abide the order of the court in all things and not depart the same without leave. In case the punishment of the offense is a fine only, the amount of the deposit so to be required of the defendant shall in no case be more than fifty per cent. of the maximum fine provided by law. In case the punishment is imprisonment in the county jail, a work-house or a house of correction without a fine in addition thereto, the amount of such deposit required of the defendant shall not exceed twenty-five dollars (\$25) for each month of the maximum imprisonment provided by law. In case the punishment is both imprisonment in the county jail, a work-house or a house of correction and a fine, the amount of such deposit to be required of the defendant shall not exceed twenty-five dollars (\$25) for each month of such maximum imprisonment and a further sum of not more than fifty per cent of the amount of the maximum fine. When the punishment may be confinement in the penitentiary, the amount of such deposit shall be a sum equal to eighty per cent of the amount of the bail fixed by the court. Such cash deposit may be declared forfeited by the court in like manner as a recognizance, and when so forfeited same shall be paid into the county treasury. When such cash deposit is made the clerk shall make and deliver to the defendant a certificate thereof, which certificate may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |                   |                     |
|----|-------------------|---------------------|
| 24 | The People of the | } Criminal. No. 47. |
| 25 | State of Illinois |                     |
|    | v.                |                     |
| 26 | Richard Roe.      |                     |

CERTIFICATE OF DEPOSIT.

This is to certify that Richard Roe, the defendant in the above entitled action, has this day deposited with the undersigned, as clerk of the municipal court

of Chicago, Illinois, the sum of five hundred dollars (\$500), which deposit is made as security that said Richard Roe shall personally be and appear before said municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, on the 17th day of February, 1908, and from day to day thereafter until the final sentence or judgment of the court in said action, and abide the order of the court in all things and not depart the same without leave.

Dated Chicago, Illinois, February 12, 1908.

HENRY THOMAS, *Clerk*.

Sec. 392. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, in any case in which the punishment is not death or imprisonment in the penitentiary, it shall appear that the defendant is the head of a family residing with the same in the city of Chicago and that such defendant is a poor person who is not able to give bail, it shall be the duty of the court to accept of such defendant, in lieu of bail, his own recognizance; or when, in any case in which the punishment is not death or confinement in the penitentiary, the defendant has a known place of residence in the city of Chicago, and it appears probable to the court that the defendant, if released upon his own recognizance, will appear at such time or times as may be required by the court, it shall be the duty of the court to accept of such defendant, in lieu of bail, his own recognizance. Any defendant who, when released upon his own recognizance as aforesaid, shall fail to appear before the court at the time or times required by such recognizance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail for not exceeding six months: *Provided, however,* that no defendant shall be punished as aforesaid when his failure to appear is for a cause which would authorize the court to set aside a forfeiture of his recognizance. But no defendant shall be released upon his own recognizance under this section when, at the time of his arrest, he shall be in a state of intoxication, or when his release may, in the judgment of the court or officer, result in a breach of the peace.

Sec. 393. WARRANT—FORM.] The clerk shall immediately issue a warrant

2 for the apprehension of the person therein accused directed to the bailiff and,  
3 when deemed necessary, warrants may issue to the sheriff of different counties  
4 at the same time, or any number of warrants may be issued to the bailiff or to  
5 any sheriff. Any warrant so issued may be executed by the bailiff or by any  
6 sheriff, coroner or constable. Such warrant may be in substantially the follow-  
7 ing form:

8 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

9 The People of the }  
10 State of Illinois } Criminal. No. 50.  
11 v. }  
12 Richard Roe. }

12 WARRANT.

13 The People of the State of Illinois—GREETING to the bailiff of the municipal court  
14 of Chicago:

15 We hereby command you that you take the body of Richard Roe, if he shall  
16 be found in your city and him safely keep so that you may have his body  
17 instanter before the municipal court of Chicago, at No. 148 Michigan avenue,  
18 Chicago, Illinois, to answer unto the People of the State of Illinois for and con-  
19 cerning the crime of larceny which the said Richard Roe stands charged in our  
20 said court as by a certain information preferred against him and filed in said  
21 court in that behalf appears.

22 Recognizance \$1,000.

23 Cash Bail \$800.

24 Witness John Smith, clerk of our said  
25 municipal court and the seal thereof at  
26 Chicago, Illinois, this 10th day of Febru-  
ary, 1908.

JOHN SMITH, Clerk.

Sec. 394. AMOUNT OF BAIL INDORSED ON WARRANT.] When the offense is

2 bailable the clerk shall indorse on the warrant the amount of the recognizance  
3 or cash bail required by the order of the court and, if the court orders the war-  
4 rant returnable forthwith, the warrant shall require the accused to be arrested  
5 and brought immediately into court.

Sec. 395. SERVICE AND RETURN OF WARRANT—BAIL.] The bailiff or other  
 2 officer shall arrest the person named in the warrant, and, if the offense is bailable  
 3 and the writ is not returnable forthwith, let him to bail if sufficient bail is  
 4 offered, or, if the offense is not bailable, or sufficient bail is not offered, take  
 5 his body to the jail of Cook county and deliver him, together with the warrant,  
 6 to the keeper of the jail there to remain until the time specified in the warrant  
 7 for his bringing into court, at which time the officer making the arrest, or some  
 8 other officer competent to act, shall bring him before the court: *Provided, how-*  
 9 *ever,* that if, after the delivery of the person arrested to the keeper of the jail,  
 10 he shall offer sufficient bail, the officer shall accept the same and the  
 11 person arrested shall be released from custody. If the warrant is re-  
 12 turnable forthwith, the accused shall be immediately brought into court,  
 13 when he shall either be committed, bailed or tried as the court may direct; but if  
 14 the court shall not be in session when the officer makes the arrest so that the  
 15 accused may be let to bail in open court, such officer may let him to bail condi-  
 16 tioned for his appearance at the time when the court will be in session, if suf-  
 17 ficient bail is offered. The bailiff or other officer taking such bail, when a  
 18 recognizance is taken, shall be authorized and required to administer oaths for  
 19 the purpose of ascertaining the sufficiency of the bail offered.

Sec. 396. LETTING TO BAIL—FORM OF RECOGNIZANCE.] The method by which  
 2 the officer making the arrest shall let the accused to bail shall be by the accept-  
 3 ance from the accused, or from any person for him, of the amount of cash bail  
 4 required and the execution in duplicate of a certificate of deposit in substantially  
 5 the form hereinbefore provided for in this act, or by the accused entering into  
 6 a recognizance, in the form required by law, in the amount specified in the war-  
 7 rant, with one or more sufficient sureties to be approved by the officer. When  
 8 cash bail is accepted by the officer one copy of the certificate of deposit above  
 9 provided for shall be delivered to the defendant and the other copy thereof, to



gether with the cash received as bail and the warrant, shall be immediately delivered to the clerk of the court in which the action is pending, who shall execute and deliver to the officer a receipt for the cash so delivered. When a recognizance is taken the officer shall return the same, together with the warrant, into court, and the same shall be filed by the clerk. Such recognizance may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                   |                     |
|-------------------|---------------------|
| The People of the | } Criminal. No. 50. |
| State of Illinois |                     |
| v.                |                     |
| Richard Roe.      |                     |

RECOGNIZANCE.

This day personally appeared before the undersigned bailiff of the municipal court of Chicago, Illinois, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000) to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the municipal court of Chicago, at No. 148 Michigan avenue, Chicago, Illinois, on the 24th day of February, 1908, and from day to day thereafter until the final sentence or order of said court in the above entitled criminal action therein pending against him, and abide the order of said court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Chicago, Illinois, this 17th day of February, 1908.

RICHARD ROE, [SEAL]

THOMAS JONES, [SEAL]

WILLIAM SMITH. [SEAL]

Taken, acknowledged and entered into before me this 17th day of February, 1908.

CHARLES BROWN, *Bailiff*.

Sec. 397. DISCHARGE FOR WANT OF PROSECUTION.] Any person committed in  
 2 the municipal court for a criminal or any supposed criminal offense and not  
 3 admitted to bail and not tried within four months after the date of arrest shall  
 4 be set at liberty by the court, unless the delay shall happen on the application of  
 5 the prisoner, or unless the court is satisfied that due exertion has been made to  
 6 procure the evidence on the part of the people and that there are reasonable  
 7 grounds to believe that such evidence may be procured within the next sixty days,  
 8 in which case the court may postpone the trial of the action for such time as  
 9 the court may deem necessary not exceeding said sixty days: *Provided, how-*  
 10 *ever,* that if said person be not tried within said sixty days no further postpone-  
 11 ment shall be granted and said person shall be set at liberty by the court.

Sec. 398. PRACTICE IN CRIMINAL CASES IN OTHER PARTICULARS.] The practice  
 2 in the municipal court in criminal cases, so far as the same is not prescribed by  
 3 this act, shall be the same, as near as may be, as in similar cases in the criminal  
 4 court of Cook county.

Sec. 399. QUASI CRIMINAL ACTIONS FOR FINES, ETC.—HOW COMMENCED—FORMS.]  
 2 A quasi criminal action to recover a fine or penalty for the violation of an or-  
 3 dinance of a municipal corporation may be commenced in the municipal court  
 4 as follows:

5 *First*—BY PRAECIPE AND STATEMENT OF CLAIM.] Whenever the plaintiff shall  
 6 so elect, such action may be commenced by the filing by the plaintiff with the  
 7 clerk of a praecipe for a summons and a statement of the plaintiff's claim, as  
 8 hereinbefore provided with respect to an action at law for the recovery of money  
 9 only.

10 *Second*—BY COMPLAINT THAT OFFENSE HAS BEEN COMMITTED—FORM.] When  
 11 the facts constituting the offense complained of also constitute, in whole or in  
 12 part, a violation of the criminal code, the action may be commenced by the filing  
 13 by the plaintiff with the clerk of a complaint verified by the affidavit of some

14 person, setting forth that the offense has been committed and that the person  
 15 making the affidavit has just and reasonable grounds to believe that the defend-  
 16 ant committed the offense. Such complaint may be in substantially the following  
 17 form:

18 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

19 City of Chicago }  
                   v.        } Quasi Criminal. No. 50.  
 20 Richard Roe. }

21 COMPLAINT.

22 John Doe on his oath says that he is a resident of Chicago, Cook county,  
 23 Illinois, and that Richard Roe, late of said city of Chicago, on the 18th day of  
 24 February, 1908, at said city of Chicago, did make, aid, countenance and assist  
 25 in making a disturbance tending to a breach of the peace, in violation of Section  
 26 18 of the Revised Municipal Code of the city of Chicago of 1905.

27 JOHN DOE.

28 Subscribed and sworn to before me this 18th day of February, 1908.

29 GEORGE SMITH, *Clerk.*

30 *Third*—BY COMPLAINANT AND CHARGE THAT PARTY MAY ESCAPE—FORM.] When  
 31 the facts constituting the offense complained of do not constitute, in whole or in  
 32 part, a violation of the criminal code, the action may be commenced by the filing  
 33 by the plaintiff with the clerk of a complaint verified by the affidavit of some per-  
 34 son, setting forth that an ordinance has been violated and that the person mak-  
 35 ing the affidavit has reasonable ground to believe that the party charged is guilty  
 36 thereof and will escape unless arrested, and stating the facts upon which such  
 37 belief is founded. Such complaint may be in substantially the following form:

38 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

39 City of Chicago }  
                   v.        } Quasi Criminal. No. 75.  
 40 Richard Roe. }

41 COMPLAINT.

42 John Doe on his oath says that he is a resident of Chicago, Cook county,  
 43 Illinois, and that Richard Roe, late of said city of Chicago, on the 18th day of

February, 1908, at said city of Chicago, did carry on the business of a peddler without a license, in violation of Section 58 of the Revised Municipal Code of the city of Chicago of 1905; that affiant has reasonable grounds to believe that the said Richard Roe will escape unless arrested; that said Richard Roe is not a resident of the city of Chicago, but is only temporarily in said city and is about to depart the same.

JOHN DOE.

Subscribed and sworn to before me this 18th day of February, 1908.

GEORGE SMITH, *Clerk*.

*Fourth*—BY ARREST ON VIEW AND COMPLAINT—FORM.] Any police officer may arrest on view any person who may be seen by such police officer in the act of violating, within the limits of the city of Chicago, any ordinance thereof or any ordinance of any other municipal corporation situated, in whole or in part, within the limits thereof, whenever such violation is by such ordinance made punishable by fine. Any person so arrested shall, without unnecessary delay, be taken by such officer before the municipal court, or before some other court of record of Cook county, and such police officer shall thereupon make and file a complaint in writing under oath against such defendant of the violation by such defendant of such ordinance and such defendant shall thereupon be dealt with according to law in the same manner as if he had been arrested in the first instance under a warrant lawfully issued. The complaint in this clause provided for, when made in the municipal court, shall be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                    |                            |
|--------------------|----------------------------|
| City of Chicago    | } Quasi Criminal. No. 100. |
| v.<br>Richard Roe. |                            |

COMPLAINT.

John Doe on his oath says that he is a police officer of the city of Chicago, Cook county, Illinois, and resident therein and that Richard Roe, late of said city of Chicago, on the 18th day of February, 1908, at said city of Chicago, did



carry on the business of a peddler without a license, in violation of Section 58 of the Revised Municipal Code of the City of Chicago of 1905, and that affiant saw said Richard Roe on said day in the act of violating said ordinance as aforesaid, and did then and there arrest said Richard Roe and bring him before the court.

JOHN DOE.

Subscribed and sworn to before me this 18th day of February, 1908.

GEORGE SMITH, *Clerk*.

Sec. 400. WARRANT—FORM.] Upon the filing with the clerk in a quasi criminal action of a complaint verified by affidavit, as provided in the preceding section, the clerk shall bring the same to the attention of the court, and thereupon the court, if satisfied that the defendant ought to be arrested, may order the issuance of a warrant for the arrest of the defendant, returnable either forthwith or at a fixed time, which warrant shall thereupon be issued by the clerk and, when returnable forthwith, may be in substantially the following form:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                            |
|-----------------|----------------------------|
| City of Chicago | } Quasi Criminal. No. 100. |
| v.              |                            |
| Richard Roe.    |                            |

WARRANT.

The People of the State of Illinois—GREETING to the bailiff of the municipal court of Chicago:

We hereby command you that you take Richard Roe, if he be found in your city, and him safely keep so that you may have his body instanter before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, to answer unto the city of Chicago for and concerning a violation of Section 58 of the Revised Municipal Code of Chicago of 1905, with which the said Richard Roe stands charged in our said court, as by a certain complaint under oath preferred against him and filed in said court in that behalf appears.

Recognizance \$100.

Cash bail \$50.

Witness George Smith, clerk of our said municipal court and the seal thereof at Chicago, Illinois, this 18th day of February, 1908.

GEORGE SMITH, *Clerk*.

26

## NOTE.

27 When the warrant is returnable at a fixed time the above form may be varied  
 28 from by inserting, in lieu of the word "instanter," a specification of the day and  
 29 hour when the defendant is to be brought before the court.

Sec. 401. FIXING AMOUNT OF RECOGNIZANCE.] At the time of ordering the  
 2 issuance of a warrant the court shall fix the amount of the recognizance to be re-  
 3 quired of the defendant and also the amount of the cash deposit to be required of  
 4 the defendant in case he shall elect to make such cash deposit in lieu of entering  
 5 into a recognizance, and the amounts so fixed shall be indorsed by the clerk upon  
 6 the warrant. The amount of the recognizance to be required in any such action  
 7 shall be not less than fifty dollars (\$50) nor more than five hundred dollars  
 8 (\$500), and the same shall be either fifty dollars (\$50) or some multiple thereof.  
 9 The amount of cash deposit to be required of the defendant in lieu of bail shall be  
 10 the maximum fine or penalty sought to be recovered and five dollars (\$5) in ad-  
 11 dition thereto, but the same shall in no case exceed one hundred dollars (\$100).

Sec. 402. EXECUTION OF QUASI CRIMINAL WARRANT.] A warrant issued as  
 2 hereinbefore provided shall be served by delivering to the defendant a copy  
 3 thereof, together with a copy of the plaintiff's complaint and of the affidavit veri-  
 4 fying the same, and bringing the defendant before the court or taking bail of the  
 5 defendant as hereinafter provided.

Sec. 403. PROCEDURE WHEN WARRANT RETURNABLE FORTHWITH—TRIAL—RECOG-  
 2 NIZANCE—CASH BAIL—FORMS.] Upon the arrest of the defendant in a quasi  
 3 criminal action brought by a municipal corporation to recover a fine or penalty  
 4 for a violation of a municipal ordinance the officer making the arrest shall, if the  
 5 warrant be returnable forthwith, bring the defendant immediately before the  
 6 court and the court shall proceed immediately with the trial of the action in the  
 7 manner provided in this act for the trial of other quasi criminal actions, unless,  
 8 for good cause shown, the trial shall be postponed. In case the trial be post-

poned the defendant shall be allowed to enter into a recognizance for his appearance before the court from day to day until the final determination of the action, or to make a cash deposit with the clerk of the court in lieu of such recognizance. In case the defendant shall make a cash deposit the clerk shall execute and deliver to him a certificate thereof, a duplicate of which shall be executed by the clerk and filed with the papers in the action and a minute thereof shall be entered by the clerk in the register and minute book. The following forms of recognizance and certificate of deposit provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances and certificates of deposit may be properly framed:

1. RECOGNIZANCE TAKEN IN QUASI CRIMINAL ACTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|                 |                           |
|-----------------|---------------------------|
| City of Chicago | } Quasi Criminal. No. 50. |
| v.              |                           |
| Richard Roe.    |                           |

RECOGNIZANCE.

This day personally appeared before the undersigned, a judge of the municipal court of Chicago, Illinois, Richard Roe, as principal, and Thomas Jones, as surety, and jointly and severally acknowledged themselves to owe and to be indebted unto the city of Chicago in the penal sum of two hundred dollars (\$200), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the municipal court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, from day to day hereafter until the final sentence or judgment of the court in the above entitled action, and shall abide the order of the court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Chicago, Illinois, this 25th day of February, 1908.

RICHARD ROE, [SEAL]

THOMAS JONES, [SEAL]

Taken, acknowledged and entered before me this 25th day of February, 1908.

JOHN JONES, *Judge.*



## 2. CERTIFICATE OF CASH DEPOSIT IN QUASI CRIMINAL ACTION.

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

45 City of Chicago } Quasi Criminal. No. 50.  
46 Richard Roe. }

## CERTIFICATE OF DEPOSIT.

48 This is to certify that Richard Roe, the defendant in the above entitled ac-  
49 tion, has this day deposited with the undersigned, clerk of the municipal court of  
50 Chicago, Illinois, the sum of fifty dollars (\$50), which deposit is made as secur-  
51 ity that said Richard Roe shall personally be and appear before the municipal  
52 court of Chicago at No. 148 Michigan avenue, Chicago, Illinois, from day to day  
53 hereafter until the final sentence or judgment of the court in the above entitled  
54 action, and will abide the order of the court in all things and will not depart the  
55 same without leave.

Dated Chicago, Illinois, February 25, 1908.

GEORGE THOMAS, *Clerk.*

Sec. 404. PROCEDURE WHEN WARRANT RETURNABLE AT FIXED DAY.—TRIAL—

2 RECOGNIZANCE—CASH BAIL—FORMS. Upon the arrest of the defendant in a quasi  
3 criminal action brought by a municipal corporation to recover a fine or penalty  
4 for a violation of a municipal ordinance, the officer making the arrest shall, if the  
5 warrant be not returnable forthwith, permit the defendant to enter into a recog-  
6 nizance for his appearance before the court at the time fixed in the warrant there-  
7 for, and from day to day thereafter, or to make a cash deposit in lieu of such  
8 recognizance. In case the defendant shall make a cash deposit the officer shall  
9 execute and deliver to him a certificate thereof, a duplicate of which shall be ex-  
10 ecuted by the officer and delivered to the clerk of the court, together with the  
11 warrant and the amount deposited by the defendant, and the clerk shall enter  
12 upon the register and minute book a minute thereof. The following forms of  
13 recognizance and certificate of deposit shall be deemed sufficient and shall be  
14 taken as furnishing suggestions from which other recognizances and certificates  
15 of deposits may be properly framed:



## 16 1. RECOGNIZANCE TAKEN BY OFFICER.

17 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

18 City of Chicago  
                   v.  
 19 Richard Roe. } Warrant. No. 50.

## 20 RECOGNIZANCE.

21 This day personally appeared before the undersigned, bailiff of the munici-  
 22 pal court of Chicago, Richard Roe, as principal, and Thomas Jones, as surety,  
 23 and jointly and severally acknowledged themselves to owe and to be indebted un-  
 24 to the city of Chicago in the penal sum of two hundred dollars (\$200), to be  
 25 levied of their goods and chattels, lands and tenements, respectively, in such  
 26 manner as the law directs.

27 The condition of this recognizance is such that if the above bounden Richard  
 28 Roe shall personally be and appear before the municipal court of Chicago at No.  
 29 148 Michigan avenue, Chicago, Illinois, on the 24th day of February, 1908, and  
 30 from day to day thereafter until the final sentence or judgment of the court in  
 31 the above entitled action, and shall abide the order of the courts in all things and  
 32 not depart the same without leave, then this recognizance is to be void; other-  
 33 wise the same is to be and remain in full force and virtue.

34 Witness our hands and seals at Chicago, Illinois, this 17th day of February,  
 35 1908.

36 RICHARD ROE, [SEAL]

37 THOMAS JONES, [SEAL]

38 Taken, acknowledged and entered into before me this 17th day of February,  
 39 1908.

40 SAMUEL BROWN, *Bailiff*.

## 41 2. CERTIFICATE OF OFFICER OF CASH DEPOSIT.

42 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

43 City of Chicago  
                   v.  
 44 Richard Roe. } Quasi Criminal. No. 50.

## 45 CERTIFICATE OF DEPOSIT.

46 This is to certify that Richard Roe, the defendant in the above entitled ac-  
 47 tion, has deposited with the undersigned, bailiff of the municipal court of Chi-  
 48 cago, the sum of fifty dollars (\$50), which deposit is made as security that said  
 49 Richard Roe shall personally be and appear before the municipal court of Chi-

50 cago at No. 148 Michigan avenue, Chicago, Illinois, on the 24th day of February,  
 51 1908, and from day to day thereafter until the final sentence or judgment of the  
 52 court in the above entitled action shall abide the order of the court in all things  
 53 and not depart the same without leave.

54 Dated Chicago, Illinois, February 17, 1908.

55 SAMUEL BROWN, *Bailiff*.

Sec. 405. FORFEITURE OF RECOGNIZANCE OR CASH DEPOSIT.] Whenever any de-  
 2 fendant, after entering into a recognizance or making a cash deposit, as afore-  
 3 said, shall fail to appear before the court as specified in the recognizance or cer-  
 4 tificate of deposit, or shall otherwise fail to comply with the conditions thereof,  
 5 such recognizance, if a recognizance shall have been entered into, may be en-  
 6 forced as in other cases or if a cash deposit shall have been made, the same may  
 7 be declared forfeited and the same may be applied by the court, so far as the  
 8 same may be necessary, or so far as the same may extend, to the satisfaction of  
 9 whatever judgment may be entered by the court in the action in which such de-  
 10 posit has been made, and the balance, if any, shall be returned to the defendant.  
 11 And the court in such case, when the defendant fails to appear, may enter judg-  
 12 ment against him and in favor of the plaintiff for such sum as the court may find  
 13 from the evidence the plaintiff ought to recover by way of fine or penalty for the  
 14 violation by the defendant of the ordinance of the plaintiff, and such judgment, to  
 15 the extent that the same is not satisfied by the deposit aforesaid, may be en-  
 16 forced by the commitment of the defendant to the county jail, work-house or  
 17 house of correction as in other cases.

Sec. 406. RETURN OF CASH DEPOSIT.] When any defendant shall make a  
 2 cash deposit in lieu of bail, as hereinbefore provided, and shall appear before the  
 3 court in accordance with the terms of such deposit and shall abide by all the terms  
 4 thereof, the amount thereof shall be returned to the defendant by the clerk of the  
 5 court at the time of the entry of final judgment.

Sec. 407. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, upon  
 2 the arrest of the defendant in any quasi criminal action brought by a municipal  
 3 corporation to recover a fine or penalty for a violation of a municipal ordinance,  
 4 it shall be made to appear that the defendant is the head of a family, residing  
 5 with the same in the city of Chicago, and that such defendant is a poor person  
 6 who is not able to enter into a recognizance with security, it shall be the duty  
 7 of the court, or of the officer, as the case may be, to accept of such defendant, in  
 8 lieu of bail, his own recognizance conditioned, as near as may be, as the recog-  
 9 nizance hereinbefore provided for; or when it is made to appear that the de-  
 10 fendant has a known and fixed place of residence in the city of Chicago and it  
 11 appears probable to the court or to the officer making the arrest, as the case may  
 12 be, that the defendant, if released upon his own recognizance, will appear at  
 13 such time or times as may be required by the court, it shall be the duty of the  
 14 court or officer, as the case may be, to accept of such defendant, in lieu of bail, his  
 15 own recognizance, conditioned, as near as may be, as the recognizance herein-  
 16 before provided for. Any defendant who, when released upon his own recogniz-  
 17 ance, as aforesaid, shall fail to appear before the court at the time or times re-  
 18 quired by such recognizance, shall be deemed guilty of a misdemeanor, and  
 19 upon conviction thereof shall be punished by a fine not exceeding one hundred  
 20 dollars (\$100) or by imprisonment in the county jail for not exceeding two (2)  
 21 months: *Provided, however,* that no defendant shall be punished as aforesaid  
 22 when his failure to appear is for a cause which would authorize the court to set  
 23 aside a forfeiture of his recognizance. But no defendant shall be released upon  
 24 his own recognizance under this section when, at the time of his arrest, he shall  
 25 be in a state of intoxication or when his release may, in the judgment of the court  
 26 or officer, result in a breach of the peace.

Sec. 408. FAILURE OF DEFENDANT TO APPEAR WHEN SUMMONED.] In case the  
 2 defendant, when served with a summons in any action brought by a municipal cor-

poration to recover a fine or penalty for the violation of an ordinance of a municipal corporation, shall fail to enter his appearance within the time required by this act, a default may be entered against him as in other cases and judgment thereon may be entered by the court against the defendant for such fine or penalty as the court may deem reasonable, and such judgment may be enforced in the same manner as if the defendant had appeared and the action had been tried by jury.

Sec. 409. FORMS OF VERDICT.] When, in any such action tried by jury, only one violation of an ordinance is charged, the verdict of the jury, if in favor of the plaintiff, may be, "We, the jury, find the defendant guilty," or, if it be in favor of the defendant it may be, "We, the jury, find the defendant not guilty." When, in any such action, several violations of the same ordinance or of different ordinances are charged, the verdict of the jury, if in favor of the plaintiff as to all the violations charged, may be, "We, the jury, find the defendant guilty as to all the plaintiff's claims," or, if it be in favor of the defendant as to all such violations, it may be, "We, the jury, find the defendant not guilty." If the verdict of the jury be in favor of the plaintiff as to a portion of the violations charged and in favor of the defendant as to the remaining violations charged it may be "We, the jury, find the defendant guilty as to the (here insert the number or numbers of the plaintiff's claims as to which the jury find the defendant guilty) claim (or claims, as the case may be), and not guilty as to the remaining claims."

Sec. 410. FINES AND PENALTIES TO BE FIXED BY COURT.] In all actions brought to recover fines or penalties for the violation of municipal ordinances, when the defendant pleads guilty or otherwise admits the violation of the ordinance, or, upon the trial, either by jury or by the court, without a jury, is found guilty of such violation, the amount of the fine or penalty shall be fixed by the court.



Sec. 411. METHOD OF PROCEDURE IN OTHER RESPECTS.] The methods of procedure in such actions in all particulars not expressly provided for by this act shall be the same, as near as may be, as those herein provided for other actions at law for the recovery of money.

Sec. 412. EMPLOYMENT OF ATTORNEY PRESUMED TO CONTINUE.] Every attorney at law who shall appear as attorney of record of either party to any action at the time of the entry of any final order, judgment or decree of the municipal court, shall be presumed to continue to represent such party in respect to all proceedings pertaining thereto, including the prosecution or defense of an appeal or writ of error to review the same, until expressly discharged from further service by such party, and, until such discharge, he shall have authority to take all steps which he may deem proper and necessary to secure to such party the benefit of any such order, judgment or decree in favor of such party, either by collecting the same by execution, supplementary proceedings, creditor's action in equity or otherwise, if the same be an order, judgment or decree for the payment of money, or by enforcing the same by other appropriate proceedings, if the same be an order, judgment or decree other than one for the payment of money.

Sec. 413. ATTORNEY AUTHORIZED TO EXECUTE BONDS IN NAME OF CLIENT.] Any attorney at law appearing as attorney of record for either party in any action or proceeding in the municipal court shall have power, by virtue of his office of attorney at law and without any express authority from such party, to execute and file in such action, in the name of such party as principal, any attachment bond, forthcoming bond, replevin bond, appeal bond, injunction bond or other bond or obligation which such attorney at law may deem it necessary or expedient to execute and file in the course of the prosecution or defense of such action, and such bond when so executed and filed shall be in all respects as binding upon such party, whether an individual or a corporation, in whose name the same is

11 so executed, as well as upon any person or corporation who may sign the same  
 12 as surety, as if such party had personally executed the same or had expressly  
 13 authorized the execution thereof, and any bond so signed, when executed with a  
 14 good and sufficient surety or good and sufficient sureties, and when in proper  
 15 form, shall be accepted by said court or by any officer thereof authorized to ap-  
 16 prove of such bond, the same as if the principal thereof had executed the same  
 17 personally or had expressly authorized the execution thereof.

Sec. 414. PERSONS IN INDIVIDUAL CAPACITY MAY BE JOINED WITH EXECUTORS.]

2 In any action, whether at law or in equity, persons suing in their own right may  
 3 be joined as plaintiffs with persons suing as executors, administrators or in any  
 4 other representative capacity, and parties defending in their own right may be  
 5 joined as defendants with parties defending as executors, administrators or in  
 6 any other representative capacity, and in all such cases the orders and judg-  
 7 ments of the court shall be enforced against the parties suing or defending in a  
 8 representative capacity in due course of administration or as may be otherwise  
 9 provided by law.

Sec. 415. PROCEDURE WHEN PARTY REFUSES TO JOIN AS PLAINTIFF.] If any  
 2 person necessary to be joined as plaintiff in any action shall, upon request, not  
 3 consent to join therein, he may nevertheless be joined as a plaintiff in such ac-  
 4 tion by the plaintiff or plaintiffs commencing such action, but in every such case  
 5 the praecipe filed by the plaintiff shall show such request and that such person  
 6 refused to join in the action and such person shall not be liable in any event for  
 7 costs or expenses which may be incurred in such action, nor shall he be liable  
 8 for any judgment which may be recovered against the plaintiffs in such action  
 9 unless the same cannot be collected from his co-plaintiff or co-plaintiffs by whom  
 10 the action has been instituted. If, in any such action, a judgment shall be ren-  
 11 dered in favor of the plaintiffs, the person not consenting to join therein as afore-

12 said shall not be entitled to receive any portion of the proceeds thereof until he  
 13 shall have paid to his co-plaintiff or co-plaintiffs his equitable share of the ex-  
 14 pense, including attorney's fees, incurred by his co-plaintiff or co-plaintiffs in the  
 15 prosecution of the action, such equitable share to be fixed and determined by the  
 16 court, and such payment to be made within such time as may be fixed therefor by  
 17 the court.

Sec. 416. ASSIGNEE OF CHOSE IN ACTION.] The assignee and equitable and  
 2 bona fide owner of any chose in action not negotiable, heretofore or hereafter  
 3 assigned, may sue thereon in his own name in an action at law, but in such case  
 4 he shall set forth in his statement of claim that he claims as assignee and specify  
 5 the date when he acquired title and the name of the assignor. In every such case  
 6 there shall be allowed to the defendant not only all just credits, deductions and  
 7 set-offs, of which he could avail himself were the plaintiff the original owner  
 8 of such chose in action, but also such just credits, deductions and set-offs, which  
 9 have accrued to him before notice to him of such assignment: *Provided, how-*  
 10 *ever,* that when any person so sues as assignee, and fails upon a trial of the ac-  
 11 tion upon the merits to prove an assignment to himself of the chose in action on  
 12 which the action is brought, he shall pay to the defendant the expenses, includ-  
 13 ing attorney's fees, incurred by the defendant in defending the action, to be fixed  
 14 by the court. When any such action is brought the defendant may, if he so elect,  
 15 serve upon the assignor and original owner of such chose in action a notice of the  
 16 commencement of such action, together with a copy of the plaintiff's praecipe and  
 17 statement of claim and thereupon unless such assignor and original owner shall  
 18 intervene in such action and dispute the assignment of such chose in action, he  
 19 shall be estopped from thereafter suing thereon in his own name and from claim-  
 20 ing any interest therein.

Sec. 417. DUTY OF OFFICER TO SERVE SUMMONS OR WRIT—PENALTY.] It shall be  
 2 the duty of the sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy



3 bailiff, to whom any summons or writ is issued and delivered, to serve the same,  
 4 when it shall be practicable, at least five days before the day specified therein  
 5 for the appearance of the defendant, or at all events prior to the day so specified  
 6 for such appearance, and to return the same within not more than two days after  
 7 the same shall have been served upon the defendant or defendants therein named,  
 8 and at all events on or before the day specified in such summons for the ap-  
 9 pearance of the defendant. If any sheriff, deputy sheriff, coroner, deputy cor-  
 10 oner, bailiff, or deputy bailiff to whom any summons or writ shall have been de-  
 11 livered shall neglect or refuse to make return of the same before or on the day  
 12 therein specified for the appearance of the defendant, the plaintiff may enter a  
 13 rule requiring such sheriff, deputy sheriff, coroner, deputy coroner, bailiff or  
 14 deputy bailiff to make return of such summons or writ on a day to be fixed by  
 15 the court, or to show cause on that day why he should not be attached for a con-  
 16 tempt of court; and the plaintiff shall thereupon cause a written notice of such  
 17 rule to be served upon such sheriff, deputy sheriff, coroner, deputy coroner, bail-  
 18 iff or deputy bailiff, and if good and sufficient cause be not shown to excuse such  
 19 officer the court shall adjudge him guilty of contempt and shall proceed to pun-  
 20 ish him as in other cases of contempt.

Sec. 418. ALIAS AND PLURIES SUMMONSES AND WRITS.] In case any summons or  
 2 writ shall not be served upon the defendant prior to the day specified for the  
 3 appearance of the defendant, or if any writ of attachment or replevin shall not  
 4 have been executed by the levy upon or seizure of the property subject to be  
 5 levied upon or seized under such writ, an alias summons or writ may be issued  
 6 and a subsequent pluries summons or writ may be issued in any case when the  
 7 previous alias or pluries summons or writ shall not have been served upon the  
 8 defendant prior to the day specified in the previous summons or writ for the  
 9 appearance of the defendant, or when any previous alias or pluries writ of at-  
 10 tachment or replevin shall not have been executed by the levy upon or seizure of



11 the property subject to be levied upon or seized under such writ. Service or  
 12 execution of such alias or pluries summons or writ shall be made in the same  
 13 manner as that above provided for the service or execution of the original sum-  
 14 mons or writ.

Sec. 419. JUDGMENT IN ACTION TO REVIVE JUDGMENT.] If, in any action to re-  
 2 vive a judgment, the defendant is defaulted or appears and makes defense and  
 3 judgment be entered in favor of the plaintiff, it shall be that the judgment be re-  
 4 vived, in whole or in part, as the case may be, in which case the judgment shall  
 5 specify the amount due thereon. If the judgment be in favor of the defendant,  
 6 it shall be that he recover from the plaintiff his costs.

Sec. 420. JOINDER OF CLAIMS IN ACTIONS ON CONTRACTS.] In any action on a  
 2 contract the plaintiff, if he elects not to file a demand in writing of a trial by jury,  
 3 may unite as many contract claims as he may have against the defendant, re-  
 4 gardless of whether such claims grew out of the same or different transactions,  
 5 or the same or different contracts or are of the same or of a different character,  
 6 but if, in any such case, the defendant shall have filed a demand in writing of a  
 7 trial by jury in the manner provided in this act, the court may, in its discretion,  
 8 order the issues upon such claims to be tried separately.

Sec. 421. EVIDENCE TO BE LIMITED TO DISPUTED FACTS.] Before the hearing  
 2 of any evidence in a civil action the court shall ascertain from an inspection of  
 3 the papers in the action, or otherwise, the facts which are not in dispute between  
 4 the parties either by being admitted or not being denied in the manner in this act  
 5 required, or by being expressly admitted by the parties at the trial, and shall  
 6 cause such facts to be stated to the jury, if the case be tried by jury, and shall  
 7 not permit the introduction of any evidence to prove the facts so admitted, but  
 8 shall confine the evidence to the facts actually in dispute between the parties.  
 9 For the purpose of ascertaining such undisputed facts the court may require the

10 respective parties to state the same in writing or otherwise, and whenever it  
 11 shall appear to the satisfaction of the court that any party to any such action has  
 12 wilfully refused to admit any material fact known by such party to be undisputed  
 13 the court may cause to be taxed as costs against such party and in favor of the  
 14 opposite party such sum not exceeding twenty-five dollars (\$25) as the court  
 15 may deem just and equitable, and may enforce the payment thereof by attach-  
 16 ment or otherwise.

Sec. 422. IMMEDIATE TRIAL FOR DEFENDANT ABOUT TO DEPART STATE OR NON-  
 2 RESIDENT.] When any defendant against whom any action at law has been  
 3 brought shall make it appear to the satisfaction of the court that at the time of the  
 4 commencement of such action, he was about to depart from the state and be ab-  
 5 sent therefrom such length of time that he could not conveniently attend the trial  
 6 of the action at the time the same would occur in due course, or when any non-  
 7 resident of this State, while temporarily within this State, is served with process  
 8 in any action brought against him, such defendant may, upon the entry of his  
 9 appearance, whether such appearance be entered before or on the day on which he  
 10 is required to appear, and upon notice to the plaintiff, demand an immediate  
 11 trial of such action and such immediate trial shall thereupon be had unless the  
 12 plaintiff shall, by affidavit or otherwise, establish good and sufficient ground for  
 13 the postponement of the trial: *Provided, however,* that the defendant shall not  
 14 be entitled to any such immediate trial in any action at law on a contract in  
 15 which he shall have filed a demand in writing of a trial by jury.

Sec. 423. SETTING CASE FOR TRIAL FOR NON-RESIDENT OF COUNTY.] When any  
 2 plaintiff or any defendant in any action shall be a non-resident of this state or  
 3 shall reside in this state in a county other than Cook county, and such plaintiff  
 4 or defendant shall make it appear to the satisfaction of the court that his pres-  
 5 ence at the trial of the action will be to his advantage and that he desires to be

6 present at such trial, the court in which the action is pending shall, upon the  
 7 application of such party and upon notice to the other party or parties to the  
 8 action, cause such action to be set for trial upon a day certain to be fixed by the  
 9 court and such action shall be tried, or the trial thereof shall be commenced,  
 10 upon the day so fixed, unless good and sufficient ground for the postponement of  
 11 such trial shall be made to appear to the court: *Provided, however, that no*  
 12 party to an action on a contract shall be entitled to an order setting such action  
 13 down for trial upon a day certain if he shall have filed in such action a demand  
 14 in writing of a trial by jury.

Sec. 424. EQUITABLE RELIEF IN ACTIONS AT LAW.] Whenever in any action at  
 2 law it shall appear upon the trial before the court or by jury, as the case may  
 3 be, that equitable relief is necessary to enable the plaintiff to maintain his action  
 4 or the defendant to make his defense and that the facts proven entitle the plain-  
 5 tiff or the defendant, as the case may be, to such equitable relief, the court shall  
 6 enter such judgment as may be necessary to award such party such equitable  
 7 relief. If the action be tried by jury the court may either withdraw the case from  
 8 the consideration of the jury and enter such judgment as the equities of the case  
 9 may require, or it may submit the issues as to such equitable relief, together  
 10 with the other issues in the case, to the jury and enter such judgment as the  
 11 verdict of the jury, when approved by the court, may require.

Sec. 425. PROOF OF MATTERS OF DEFENSE OCCURRING AFTER FILING SPECIFICATION  
 2 OF DEFENSE.] Whenever in any action at law, other than a criminal action, after  
 3 the filing by the defendant of his specification of defense or defenses, any facts  
 4 shall arise which the defendant may conceive to constitute a defense to the plain-  
 5 tiff's claim, in whole or in part, the defendant may, before the trial, serve upon  
 6 the plaintiff notice in writing that such facts will be relied upon by the defend-  
 7 ant at the trial as a defense, in whole or in part, to the plaintiff's claim, and



8 thereupon such facts may be proven by the defendant at the trial and the judg-  
 9 ment in such case shall be such as the facts proven at the trial may require.

Sec. 426. PETIT JURORS.] The petit jurors for the trial of cases in said  
 2 municipal court shall be provided by the jury commissioners of the county of  
 3 Cook in the same manner and from the same lists, as near as may be, as petit  
 4 jurors are provided for the circuit, superior and criminal courts of Cook county.  
 5 The names of the necessary number of petit jurors required from time to time  
 6 in said municipal court shall be furnished by said jury commisisoners upon de-  
 7 mand to the clerk of the municipal court, and the venires for such jurors shall be  
 8 directed to and served by the sheriff of Cook county at the expense of said county,  
 9 and the fees of said jurors shall be paid out of the city treasury. The number  
 10 of petit jurors to be summoned from time to time shall be determined by the chief  
 11 justice.

Sec. 427. JURY TRIAL TO BE DEMANDED WHEN.] Every action at law, a crim-  
 2 inal or quasi criminal action brought for the recovery of a fine or penalty for the  
 3 violation of a municipal ordinance excepted, and every action for divorce, shall  
 4 be tried by the court without a jury, unless the plaintiff at the time he commences  
 5 his action, or the defendant at the time he enters his appearance, shall file with  
 6 the clerk a demand in writing of a trial by jury, which demand, however, may  
 7 be withdrawn by the party filing the same at any time before trial. If the de-  
 8 mand be by the plaintiff it shall be embodied in and form a part of his praecipe  
 9 for a summons or writ, or, in an action of divorce, it shall be contained in a note  
 10 at the foot of the bill of complaint, and, if it be by the defendant or garnishee, it  
 11 shall be embodied in and form a part of his appearance in writing.

Sec. 428. JURY TRIAL MANDATORY IN CAPITAL AND PENITENTIARY CASES.] Every  
 2 criminal action in which the punishment may be death or confinement in the peni-  
 3 tentiary shall, unless the defendant shall enter a plea of guilty, be tried by jury.



Sec. 429. WAIVER OF JURY IN MISDEMEANORS AND QUASI CRIMINAL CASES.]

2 Every criminal action in which the punishment cannot be death or confinement in  
3 the penitentiary, and every quasi criminal action brought to recover a fine or  
4 penalty for the violation of a municipal ordinance, shall be tried by jury, unless  
5 the defendant shall execute and file with the clerk a waiver in writing of a trial  
6 thereof by jury, in which case such action shall be tried by the court without a  
7 jury.

Sec. 430. JURORS TO BE INTERROGATED BEFORE IMPANELING.] It shall be the

2 duty of the chief justice of the municipal court to interrogate, or cause to be in-  
3 terrogated, all jurors summoned and appearing and to inquire into, or to cause  
4 to be inquired into, their qualifications to serve as such jurors, and to reject from  
5 service all jurors who do not appear to possess the qualifications required by law  
6 and to cause to be summoned in their places, in the manner required by law, per-  
7 sons competent and qualified to serve as jurors. It shall not be necessary that  
8 there be a full panel of twenty-four petit jurors for each branch court, but the  
9 chief justice may cause to be impaneled for service in all of said branches as one  
10 panel only such number of jurors as may appear to be needed for the trial of ac-  
11 tions therein to be tried by jury, and the jurors needed, from time to time, in each  
12 branch court may be drawn from such joint panel. When the requisite number  
13 of jurors have been accepted for service, the chief justice shall cause to be pre-  
14 pared by the clerk printed or typewritten alphabetical lists of the jurors so ac-  
15 cepted for service, on which lists the name of each juror shall be followed by a  
16 specification of his age, place of birth, occupation, place of residence and place of  
17 business or employment, the place of residence and place of business or employ-  
18 ment, if in a city, to be accompanied by a specification of the street and number  
19 or other sufficient designation thereof, and upon the calling of any jury into the  
20 jury box a copy of such list shall be submitted for inspection and use during the  
21 impaneling of the jury to each party to the action.

Sec. 431. CHALLENGES OF JURORS.] Every person arraigned for any crime punishable with death or imprisonment in the penitentiary for life shall be admitted on his trial to a peremptory challenge of twenty jurors and no more; and every person arraigned for any offense that may be punished by imprisonment for a term exceeding eighteen months shall be admitted to a peremptory challenge of ten jurors and in all other criminal trials the defendant shall be allowed a peremptory challenge of six jurors. The attorney prosecuting on behalf of the people shall be admitted to a peremptory challenge of the same number of jurors that the accused is entitled to. In all actions, other than criminal actions, each party shall be admitted to a peremptory challenge of five jurors and challenges for cause shall be allowed as heretofore.

Sec. 432. EXAMINATION OF JURORS AT TRIAL—REVIEW ON APPEAL OR ERROR.] It shall be the duty of the judge presiding at the trial of any action tried by jury to examine or cause to be examined all jurors called into the jury box with respect to their statutory qualifications to serve as petit jurors in such action and to permit the plaintiff and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced; but upon appeal or writ of error to review any judgment in any such action tried by jury no ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of a party to examine the jurors as to bias or prejudice or improperly overruling a challenge by a party of a juror for bias or prejudice, shall be subject to review by the supreme court or appellate court.

Sec. 433. JURORS MAY TAKE NOTES OF EVIDENCE WHEN—INSPECTION OF PREMISES, ETC.] In all trials by jury the court, in its discretion, may permit the jury to take such notes of the evidence introduced before them as the court, under all the circumstances of the case, may deem necessary or proper to enable the jury to return a proper verdict, and the court in any action tried by jury may

6 also, in its discretion, permit the jury to personally inspect any premises, build-  
 7 ing, machinery, or implements concerning which testimony is introduced before  
 8 the jury, whenever, in the opinion of the court, such inspection will aid the jury  
 9 in returning a proper verdict. Whenever, during the course of any trial by  
 10 jury, the court shall direct the inspection by the jury of any premises, building,  
 11 machinery or implements, as aforesaid, the court may order the owner of any  
 12 such premises, building, machinery or implements to permit such inspection and  
 13 may enforce compliance with such order: *Provided, however,* that nothing  
 14 herein contained shall authorize inspection of any premises or building occupied  
 15 as a residence without the consent of the person residing therein.

Sec. 434. ORDER OF ARGUMENT TO JURY.] In every action, other than a crim-  
 2 inal action, the right to open and close the argument to the jury in a case where  
 3 there is no intervention shall be with the plaintiff, unless the defendant shall  
 4 have the affirmative of all the issues before the jury in which case it shall be  
 5 with the defendant. In a case where there is an intervention the order of ar-  
 6 gument, when the plaintiff has the right to open and close, shall be, first, the  
 7 opening argument of the plaintiff; second, the argument of the intervener; third,  
 8 the argument of the defendant, and, fourth, the closing argument for the plain-  
 9 tiff, and where the defendant has the opening and close the order of the argu-  
 10 ment shall be, first, the opening argument of the defendant; second, the argu-  
 11 ment of the intervener; third, the argument of the plaintiff, and, fourth, the  
 12 closing argument of the defendant. When there are several defendants or groups  
 13 of defendants, or several interveners or groups of interveners, each of which de-  
 14 fendants or interveners, or groups of defendants or interveners, are represent-  
 15 ed by different attorneys, the order as between themselves of their arguments  
 16 to the jury shall be determined by the presiding judge.



Sec. 435. EXPRESSION OF OPINION BY ATTORNEY IN CRIMINAL ACTION PROHIBITED—PENALTY.] In the argument of any criminal action before a jury neither the state's attorney nor other attorney conducting the prosecution or assisting therein, nor any attorney representing the defendant, shall be permitted to express his opinion respecting the guilt or innocence of the defendant. A violation of this section shall be deemed a contempt of court and shall be punished by the court by imposing upon the offending person, in the presence of the jury, a fine not exceeding one hundred dollars (\$100), and in case of such violation, it shall be the further duty of the court to instruct the jury to wholly disregard any opinion so expressed.

Sec. 436. DENUNCIATION AND ABUSE OF PARTIES AND WITNESSES PROHIBITED—PENALTY.] In the argument of any case, civil, criminal or quasi criminal, to a jury no attorney shall be permitted to indulge in the use of denunciation or abusive epithets towards parties to the action or towards witnesses who may have testified upon the trial. A violation of this section shall be deemed a contempt of court and shall be punished by the court by imposing upon the offending person, in the presence of the jury, a fine not exceeding twenty-five dollars (\$25), and in case of such violation it shall be the further duty of the court to instruct the jury to wholly disregard such denunciation or abusive epithets.

Sec. 437. CHARGING THE JURY—ORAL CHARGE—REQUESTS TO CHARGE—OBJECTIONS TO BE POINTED OUT—ADDITIONAL CHARGE—WRITTEN INSTRUCTIONS.] In trials by jury the court shall charge the jury as to the law only, and with respect to such charge the following rules shall prevail:

*First*—ORAL OR WRITTEN CHARGE.] The charge may, in the discretion of the court, be given orally or in writing: *Provided, however,* that in a criminal case the court shall not charge the jury orally if the defendant or his attorney shall object thereto prior to the commencement of the first argument to the jury after the close of the evidence.



10      *Second*—ORAL CHARGE TO BE TAKEN DOWN STENOGRAPHICALLY, ETC., WHEN.]

11    When the charge is given orally it shall, at the request of either party, be taken  
12    down in shorthand and a transcript thereof shall be made and shall be signed by  
13    the judge and filed in the cause in which such charge is given.

14      *Third*—REQUESTS TO CHARGE.] In case the judge charges the jury orally

15    either party shall have the right, at any time before the commencement of the  
16    closing argument to the jury, to present in writing to the judge requests to  
17    charge containing such propositions as such party may claim to be propositions  
18    of law applicable to the case and may wish to have embodied in the judge's  
19    charge to the jury, and it shall be the duty of the judge to examine the requests  
20    so presented and to embody in his charge every proposition therein which the  
21    judge may hold to be a correct proposition of law applicable to the case. When  
22    either party presents to the judge any such request or requests in writing, he  
23    shall at the same time deliver to the opposite party a copy thereof.

24      *Fourth*—REQUESTS TO BE SEPARATE, ETC.] Every such request to charge shall

25    be separate and distinct and shall be confined to the statement of a single pro-  
26    position of law claimed to be applicable to the case.

27      *Fifth*—REQUESTS TO BE MARKED AND FILED.] Every such request to charge

28    shall be marked by the judge by indorsing his initials thereon and after the con-  
29    clusion of the giving of the charge such requests shall be filed by the clerk among  
30    the papers in the case.

31      *Sixth*—SUFFICIENT IF CHARGE REQUESTED IS GIVEN IN EQUIVALENT WORDS.] It

32    shall not be necessary for the judge in an oral charge to the jury to give any  
33    proposition of law requested by a party to be embodied in the charge, and which  
34    the judge approves, in the exact language in which it is stated by such party in  
35    such request, but it shall be sufficient if such proposition is stated by the judge  
36    to the jury in language substantially equivalent to the language used by such  
37    party in such request, or language correctly informing the jury with respect to

38 such proposition of law and making the same applicable to the decision of the  
39 case.

40 *Seventh*—OBJECTIONS TO BE POINTED OUT SPECIFICALLY.] Upon the conclusion  
41 of an oral charge and before the jury retire, each party shall point out to the  
42 court specifically every objection which such party may wish to make to the  
43 charge, and the court may thereupon further charge the jury for the purpose of  
44 correcting any error in the charge as given, or of aiding thereto any further  
45 instructions as to the law of the case which the court may deem proper to be sub-  
46 mitted to the jury, which subsequent or additional charge may be objected to by  
47 either party in the same manner as the previous charge: *Provided, however,*  
48 that it shall not be necessary for either party to point out to the court any fail-  
49 ure to embody in the charge any proposition contained in any request to charge  
50 presented in writing to the judge as hereinbefore provided, and *Provided, fur-*  
51 *ther,* that in a criminal case the failure of the defendant or his attorney to  
52 point out an objection to the charge shall not preclude him from obtaining relief,  
53 upon a motion for a new trial, or upon a writ of error, from any substantial  
54 error in the charge by which injustice has resulted to the defendant.

55 *Eighth*—CORRECTION TO BE POINTED OUT WHEN.] Whenever any objection is  
56 made to an oral charge, or to any portion thereof, the court may require the par-  
57 ty so objecting to specifically point out the correction sought to be made.

58 *Ninth*—TIME FOR STATING OBJECTIONS.] Upon the conclusion of an oral charge  
59 the court shall allow the respective parties such reasonable time, not less than  
60 twenty minutes each, as they may require to enable them to properly present and  
61 state their objections thereto, and the court shall hear first the objections on  
62 behalf of the plaintiff and thereafter those on behalf of the defendant.

63 *Tenth*—FURTHER INSTRUCTIONS ASKED BY JURY.] If, after an oral charge is  
64 given and the jury have retired, they return into court for further instructions,  
65 the court may give such additional charge as the court may deem necessary, but

66 the charge shall be given only in the presence of the parties or of their attor-  
 67 neys, and whenever such additional charge is given it shall be taken down in  
 68 shorthand, transcribed, signed and filed, and it may be objected to in the man-  
 69 ner hereinbefore provided for with respect to the original charge.

70 *Eleventh*—[CHARGE TO BE ORAL UNLESS, ETC.] The charge to the jury shall, in  
 71 all cases, be oral unless the judge, at or before the calling of the action for trial,  
 72 shall have announced that the instructions to the jury shall be given in writing.

73 *Twelfth*—[PROPOSITIONS WHEN CHARGE IS IN WRITING.] When the judge elects  
 74 to charge the jury in writing each party shall be at liberty to present to the judge,  
 75 for his approval or disapproval, such propositions in writing as such party may  
 76 wish to give to the jury as a part of the instructions: *Provided, however,* that  
 77 such propositions shall be presented to the judge and a copy thereof given to  
 78 the opposite party prior to the commencement of the closing argument to the  
 79 jury.

80 *Thirteenth*—[ENDORSEMENTS ON MARGIN.] When, in case the charge is given  
 81 in writing, instructions are asked which the judge cannot give, he shall, on the  
 82 margin thereof, write the word “refused,” and upon the margin of such as he  
 83 approves he shall write the word “given,” and he shall in no case, after instruc-  
 84 tions in writing are given, qualify, modify or in any manner explain the same  
 85 to the jury otherwise than in writing.

86 *Fourteenth*—[OBJECTIONS TO WRITTEN INSTRUCTIONS TO BE STATED.] When in-  
 87 structions are given in writing each party shall, before the reading thereof by  
 88 the court to the jury, state to the court his objections thereto and may be re-  
 89 quired by the judge to point out such objections specifically.

Sec. 438. VERDICT—REDUCING TO FORM.] It shall be sufficient for the jury  
 2 to pronounce their verdict by their foreman in open court without reducing the  
 3 same to writing and the clerk shall enter the same in form under the direction of  
 4 the court.



Sec. 439. GENERAL AND SPECIAL VERDICT.] In any action, other than a criminal action, the jury may render, in their discretion, either a general or a special verdict; and in any case in which they render a general verdict they may be required by the court, and must be so required at the request of any party to the action, to find specially upon any material question or questions of ultimate fact which question or questions of ultimate fact shall be submitted by the party requesting the same to the adverse party before the commencement of the argument to the jury. When a special finding of ultimate fact is inconsistent with the general verdict the former shall control the latter and the court may render judgment accordingly.

Sec. 440. SEPARATION OF JURORS BEFORE RETIREMENT DISCRETIONARY—TREATMENT OF JURORS WHEN KEPT TOGETHER.] Hereafter the separation of jurors in any action, civil, quasi criminal or criminal, during the progress of the trial and before they retire to consider of their verdict, shall be within the discretion of the judge presiding at the trial. It shall be the duty of the presiding judge, in all cases in which the jurors are required to be kept together during the progress of a trial, to see that they are humanely treated and furnished with proper food and accommodations for sleep, rest and recreation, the expense thereof to be paid out of the city treasury.

Sec. 441. OATH TO OFFICER ATTENDING JURY UNNECESSARY.] It shall be unnecessary hereafter to administer any oath to any officer who is to attend any jury in any action, civil, criminal or quasi criminal, when they retire to consider of their verdict, but every officer so attending any jury when they retire to consider of their verdict shall be bound by his official oath to keep the jury together and not suffer others to speak to them, excepting for the purpose of supplying them with food as hereinafter provided, until they shall have agreed upon their verdict, excepting as may otherwise be directed by the court.



Sec. 442. JURORS TO BE SUPPLIED WITH FOOD, ETC.—SLEEP AND REST.] During

2 the retirement of the jury to consider of their verdict they shall, unless the court  
3 shall otherwise so expressly direct, be supplied by the officer or officers attend-  
4 ing them at proper times with food and drink, intoxicating liquors excepted, and  
5 with proper accommodations for sleep and rest during the hours usually devoted  
6 thereto, and during the hours devoted to such sleep and rest the jurors may be  
7 separated from each other to such extent as the officer or officers in charge of the  
8 jury may deem necessary or proper, or as the court may direct, due care being  
9 taken to prevent others speaking to them during their retirement.

Sec. 443. SEALED VERDICTS.] The court may, in its discretion, direct the jury

2 in any action, civil, criminal or quasi criminal, other than a capital case, in case  
3 they shall agree upon their verdict while the court is not in actual session for the  
4 trial of actions, to write out, sign and seal up their verdict and deliver the same  
5 to their foreman to be returned by such foreman into court in such manner as the  
6 court may direct. Upon the signing and sealing up of any such verdict the jury  
7 may separate and appear in court at the time so directed. Any verdict so signed  
8 and sealed up and returned into court shall be as valid and binding as if the same  
9 had been rendered by the jury in open court in the first instance: *Provided,*  
10 *however,* that, in any criminal action in which the punishment may be confinement  
11 in the penitentiary, no such separation of the jury after the signing and sealing  
12 up of their verdict shall be allowed, if the defendant, at the time the jury retire,  
13 shall expressly object thereto. When the jury are allowed to separate after the  
14 signing and sealing up of their verdict the right of either party to poll the jury  
15 shall not be exercised.

Sec. 444. COURT MAY ALLOW JURORS USE OF TRANSCRIPT OF EVIDENCE.] When-

2 ever the proceedings in any action tried by jury, whether civil, criminal or quasi  
3 criminal, have been taken down stenographically by a court stenographer and

4 have been transcribed before the jury shall have agreed upon their verdict, the  
 5 court may, in its discretion, at the request of the jury, permit the jury the use of  
 6 such transcript.

Sec. 445. WHAT PAPERS JURY MAY TAKE.] Papers, other than depositions  
 2 read in evidence, may be taken by the jury when they retire, and depositions read  
 3 in evidence may also be so taken when the jury is allowed to use a transcript of  
 4 the stenographic notes of the evidence as provided in the preceding section.

Sec. 446. MOTION FOR NEW TRIAL—NOTICE AND COPIES OF AFFIDAVITS TO BE  
 2 SERVED—ORAL EXAMINATION OF WITNESSES—ENTRY OF JUDGMENT DELAYED.] Every  
 3 motion for a new trial in a case tried by a jury shall be in writing and shall be filed  
 4 with the clerk and notice of the filing of the same shall be given to the adverse  
 5 party, together with copies of all affidavits, if any, which are to be read in evi-  
 6 dence in support thereof. It shall be unnecessary in any motion for a new  
 7 trial to specify the grounds therefor. When any affidavit is filed in support of a  
 8 motion for a new trial the court, upon the hearing of the motion, may, in its dis-  
 9 cretion, require the party making the affidavit to attend in person and to testify  
 10 in open court. A motion for a new trial may be entered at any time before final  
 11 judgment and no final judgment shall, without the consent of the parties, be en-  
 12 tered upon the verdict of a jury within two days after the rendition of such ver-  
 13 dict, nor, in case of the entry of a motion for a new trial, until the disposition of  
 14 such motion.

Sec. 447. PROPOSITIONS OF LAW OR MOTION FOR NEW TRIAL UNNECESSARY IN AC-  
 2 TION TRIED BY COURT.] In any action tried by the court without a jury it shall be  
 3 unnecessary for either party to present to the court any propositions to be held  
 4 as law in the decision of the case, or to move for a new trial.

Sec. 448. MOTION IN ARREST NOT ALLOWED.] No motion in arrest of judgment  
 2 shall be hereafter allowed in any civil or quasi criminal action.

Sec. 449. WHEN NON-SUIT TO BE CLAIMED.] Every person desirous of suffer-

2 ing a non-suit shall be barred therefrom, unless he do so before the jury retire  
3 from the bar, or, if the action is tried by the court without a jury, before the  
4 action is submitted for final decision.

Sec. 450. AMENDMENTS.] At any time before final judgment amendments

2 may be allowed on such terms as are just and reasonable introducing any party  
3 necessary to be joined as plaintiff or defendant, discontinuing as to any joint plain-  
4 tiff or joint defendant, changing the form of the action, or any matter either of  
5 form or substance in any process, statement of claim, specification of defense or  
6 defenses or any other paper filed or any proceeding had, which amendment or  
7 amendments may enable the plaintiff to maintain the action for the claim for  
8 which it was intended to be brought or the defendant to make a good and suffi-  
9 cient defense. The adjudication of the court allowing an amendment shall be  
10 conclusive evidence of the identity of the cause of action and the time elapsing  
11 between the commencement of such action and the allowance of such amendment  
12 shall not be counted as a part of the time specified in any statute of limitations  
13 which may be relied upon as a defense by the defendant. In case by any such  
14 amendment, any person is made an additional party defendant a summons or  
15 writ may be issued to such defendant requiring him to appear on some Monday  
16 not less than five (5) nor more than fifteen (15) days from the date thereof and  
17 upon the service of such summons or writ he may be proceeded against in the  
18 same manner as if he had been made a defendant at the commencement of the  
19 action.

Sec. 451. AMENDMENTS AFTER FINAL JUDGMENT.] After final judgment or de-

2 cree rendered in any action any defects or imperfections in matter of form con-  
3 tained in the record entries or in any paper filed may be rectified and amended  
4 by the court in affirmance of the judgment, so that such judgment shall not be re



5 versed or annulled; and any variance in the record from any process, pleading or  
 6 proceeding, had in such action shall be reformed and amended according to such  
 7 original process, pleading or proceeding.

Sec. 452. AMENDMENTS—HOW FRAMED.] An amendment to any paper pre-  
 2 viously filed may either change the reading of such paper so as to make it con-  
 3 form to the facts as they existed at the time such paper was filed, or it may in-  
 4 troduce new matter omitted from such previous paper. An amendment chang-  
 5 ing the reading of any paragraph or paragraphs of a paper previously filed  
 6 which is divided into paragraphs, other than an amendment by interlineation  
 7 as hereinafter provided, shall embody in full such paragraph or paragraphs as  
 8 they read after being amended. An amendment changing the reading of a paper  
 9 not divided into paragraphs, other than an amendment by interlineation as here-  
 10 inafter provided, shall embody in full such paper as it reads after being amend-  
 11 ed. An amendment of any paper, when such amendment introduces new matter,  
 12 shall embody such new matter in additional paragraphs, properly numbered, of  
 13 such paper, if the same be divided into paragraphs, or, if the same be not di-  
 14 vided into paragraphs, such amendment shall specify that it is an addition to  
 15 the matters contained in the paper amended. No amendment by actual inter-  
 16 lineation shall be permitted when the same is objected to by any party to the  
 17 action and no amendment whatever by specifying words to be inserted in partic-  
 18 ular lines, paragraphs or pages of papers shall be allowed. When any praecipe  
 19 and statement of claim, or appearance and specification of defense or defenses,  
 20 is amended, other than by actual interlineation as above provided, the party  
 21 amending shall file an amended praecipe and statement of claim, or appearance  
 22 and specification of defense or defenses, in lieu of the original praecipe and  
 23 statement of claim, or appearance and specification of defense or defenses.

Sec. 453. ERRONEOUS ENTRY BY CLERK CORRECTED—LIMITATION.] Whenever  
 2 any final judgment rendered shall be found to have been erroneously entered



3 upon the record by the clerk, the court is authorized to cause such entry to be  
 4 corrected and such judgment to be properly entered: *Provided, however, that*  
 5 such entry shall be corrected within five years from the time the same was made  
 6 and that such correction shall in no manner prejudice the intervening rights of  
 7 third persons claiming by, under or through either of the parties to the action  
 8 after such original entry and prior to such correction.

Sec. 454. PAYMENT OF JUDGMENT MAY BE MADE TO CLERK, ETC.] Any money  
 2 judgment rendered by the municipal court when no execution issued thereon is  
 3 outstanding may be satisfied by the payment by the party against whom the  
 4 same has been rendered of the amount thereof to the clerk of said court, who,  
 5 upon payment being made, shall enter satisfaction thereof and shall, upon de-  
 6 mand, pay over the money received by him to the person appearing of record to  
 7 be entitled thereto.

Sec. 455. PRESUMPTIONS AS TO JURISDICTION AND REGULARITY.] Both in direct  
 2 and in collateral proceedings the same presumptions shall be indulged with re-  
 3 spect to the jurisdiction of the municipal court over the subject-matter of actions  
 4 and over the parties thereto and with respect to the regularity of the proceed-  
 5 ings of said municipal court as are indulged with respect to the jurisdiction and  
 6 regularity of the proceedings of circuit courts in like cases.

Sec. 456. VENUE OF AFFIDAVITS AND PAPERS.] It shall not be hereafter neces-  
 2 sary that any paper to be filed in any action or proceeding in the municipal  
 3 court shall specify, in the manner heretofore customary, the city, county or  
 4 State in which said court is held or action or proceeding had, but it shall be  
 5 sufficient that such paper, by words at the commencement thereof or other-  
 6 wise, shall indicate the court in which the action or proceeding is pending.  
 7 When any affidavit is filed in any action or proceeding in the municipal court,  
 8 it shall be presumed that such affidavit was signed and sworn to  
 9 within the county in which said court is held, unless the contrary shall affirma-

10 tively appear from the jurat of the officer before whom such affidavit is sub-  
 11 scribed and sworn to. When any affidavit to be used in any action or proceed-  
 12 ing in the municipal court of this State is subscribed and sworn to out of Cook  
 13 county, the officer before whom such affidavit is subscribed and sworn to shall  
 14 recite in his certificate the county and state in which such affidavit is so sub-  
 15 scribed and sworn to.

Sec. 457. SPECIFICATION OF YEAR BY NUMBER SUFFICIENT WITHOUT THE  
 2 ABBREVIATIONS "A. D.," OR WORDS, "IN THE YEAR OF OUR LORD." It shall not  
 3 be necessary hereafter in any paper filed in any action or proceeding pending  
 4 in the municipal court to use the words, "In the year of Our Lord," or the  
 5 abbreviations "A. D.," for the purpose of showing that an act, trans-  
 6 action or event occurred or took place in a year of our Lord, but without the  
 7 use of those words or abbreviations, words or figures manifestly intended to  
 8 express the year of an act, transaction or event shall be conclusively presumed  
 9 as intended to mean that such act, occurrence or event happened in the speci-  
 10 fied year of our Lord.

Sec. 458. EFFECT OF BONDS TAKEN IN JUDICIAL PROCEEDINGS.] Every per-  
 2 son executing any bond to be filed, or otherwise used, in any action or pro-  
 3 ceeding in the municipal court, shall be conclusively presumed to have in-  
 4 tended to execute a bond in such penalty and with such condition as was re-  
 5 quired by law, or by the order of the court entered in such action or proceed-  
 6 ing, and in case of the variance of any such bond, either as to penalty, con-  
 7 dition or otherwise, from the bond thus required, the same may be corrected  
 8 and enforced in any action or proceeding brought thereon, as if the same  
 9 has been correctly executed in the first instance.

Sec. 459. RULES OF EQUITY APPLICABLE IN ALL CASES.] In any action at law  
 2 herein provided for which may be brought in the municipal court, the court

3 shall give to each of the parties the benefit of all equitable rules and maxims  
 4 heretofore enforced and given effect by courts of equity, so far as the same  
 5 may be made applicable, consistently with the other provisions of this act, under  
 6 the facts made to appear to the court.

Sec. 460. PRACTICE IN MATTERS NOT SPECIALLY PROVIDED FOR IN THIS ACT.]

2 The practice in the municipal court, excepting as by this act is otherwise pre-  
 3 scribed, shall be the same, as near as may be, as that which is now prescribed by  
 4 law for similar suits or proceedings in the circuit courts.

Sec. 461. ADOPTION OF RULES OF PRACTICE.] The judges of said municipal

2 court shall have power to adopt, in addition to the provisions herein contained  
 3 prescribing the practice in such court, such rules regulating the practice in said  
 4 court as they may deem necessary or expedient for the proper administration of  
 5 justice therein and as may not be inconsistent with the provisions of this act.  
 6 The adoption of such rules shall be accomplished by an order or orders signed  
 7 by a majority of said judges, which order or orders when made shall be forthwith  
 8 spread upon the records of the municipal court and shall be printed in pamphlet  
 9 form at the expense of the city. The supreme court shall have power, in its dis-  
 10 cretion, to substitute for the rule or rules so adopted by said judges of said mu-  
 11 nicipal court, or for any portion thereof, such other rules as the supreme court  
 12 may deem necessary and may, in its discretion, of its own motion or otherwise,  
 13 make any order respecting the rules of said municipal court which it may deem  
 14 proper. The supreme court and the appellate court in cases brought to them  
 15 from the municipal court by appeal or writ of error shall take judicial notice of  
 16 the rules of practice from time to time in force in said municipal court.

Sec. 462. PRACTICE WHEN METHOD OF PROCEDURE INSUFFICIENTLY PRESCRIBED.]

2 Whenever the proper method of procedure in any action or proceeding brought  
 3 in the municipal court shall appear to be insufficiently prescribed by this act the



4 method of procedure heretofore applicable in such action or proceeding shall be  
 5 applied, as near as may be, consistently with the provisions of this act and the  
 6 spirit thereof, until otherwise prescribed by law or by such rules as may be adopt-  
 7 ed by the supreme court. Whenever it is brought to the attention of the supreme  
 8 court that the method of procedure, or any portion of the method of procedure,  
 9 in the municipal court in any action or proceeding which may be brought in said  
 10 municipal court, is not sufficiently prescribed by this act and that the methods of  
 11 procedure, or any portion thereof, heretofore applicable to such action or pro-  
 12 ceeding are not suitable to secure to the respective parties a prompt and expe-  
 13 ditious determination of said action or proceeding according to the very right  
 14 and justice of the case, the supreme court shall have power to adopt such rule or  
 15 rules regulating the method of procedure in such action or proceeding as, in the  
 16 opinion of the supreme court, will be calculated to secure to the parties such  
 17 prompt and expeditious and proper determination of the action or proceeding,  
 18 and, whenever it shall appear to the supreme court that any provision of this act  
 19 regulating the practice in said municipal court is not sufficiently explicit or is  
 20 obscure or in contradiction to other provisions of this act, or that the same can-  
 21 not be given effect without serious injustice and inconvenience to parties to ac-  
 22 tions, the supreme court may, by a rule or rules to be adopted by said supreme  
 23 court, substitute for such provision such new provision as, in its judgment, will  
 24 not be obscure or in contradiction to other provisions of this act, or unjust or in-  
 25 convenient to the parties to actions, and will be in harmony with the general spirit  
 26 and intention of this act.

Sec. 463. CERTIFYING QUESTIONS TO SUPREME COURT—FORM OF CERTIFICATE.]

2 Whenever any question shall arise in the municipal court in respect to the  
 3 construction of this act, or any portion thereof, or any question pertaining to  
 4 the practice or mode of procedure in said court, or to the powers or duties of the  
 5 judges or other officers of said court, with respect to which question the judges



6 of said court differ in opinion, it shall be the duty of the chief justice to certify  
 7 such question to the supreme court, and it shall thereupon be the duty of the  
 8 supreme court to determine such question with all convenient speed and to cause  
 9 its decision to be certified to said chief justice. Whenever the chief justice  
 10 shall certify any such question to the supreme court he shall accompany his  
 11 certificate by such suggestions respecting the arguments and citations of author-  
 12 ities, if any, bearing upon said questions as may appear to him to be helpful  
 13 to the supreme court in the determination of such question. Such certificate may  
 14 be in substantially the following form:

15                   IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

16 In the matter of the difference of  
 17     opinion of the judges of the mu-  
 18     nicipal court of Chicago.

19                   CERTIFICATE OF QUESTION.

20 *To the Supreme Court of the State of Illinois:*

21     I, John Jones, chief justice of the municipal court of Chicago, Illinois, do  
 22 hereby certify that there has arisen a question respecting which the judges of  
 23 said municipal court differ in opinion, which question is as follows:

24     (Here state question and arguments and authorities, if any.)

25     Dated Chicago, Illinois, this 17th day of February, 1908.

26                                   JOHN JONES, *Chief Justice.*

Sec. 464. PRIMARY PURPOSES OF ESTABLISHMENT OF MUNICIPAL COURT—DUTY OF

2 SUPREME COURT.] The primary purpose of the establishment of the municipal  
 3 court is to secure the prompt and proper determination of civil actions in which  
 4 the sum or value in controversy does not exceed five hundred dollars (\$500),  
 5 actions of forcible detainer, actions brought to recover fines or penalties for the  
 6 violation of municipal ordinances, criminal actions in which the punishment of  
 7 the defendants may not be death or confinement in the penitentiary, peace pro-  
 8 ceedings, search warrant proceedings and examination proceedings, and the  
 9 time devoted by said court to the exercise of its jurisdiction in cases other

10 than those hereinbefore in this action particularly specified shall be such only as  
11 may be so devoted without interference with the accomplishment of its primary  
12 purpose as above declared. It shall be the duty of the supreme court to enforce  
13 strict compliance by the municipal court with the provisions of this section.

Sec. 465. SUPREME COURT TO EXERCISE SUPERINTENDENCE—ANNUAL INVESTIGATION.] The supreme court shall have power and it shall be its duty to exercise  
2 a general superintendence over said municipal court and over the judges and of-  
3 ficers thereof in respect to the management of the business of said court and  
4 the discharge by said judges and officers of the duties of their respective offices.  
5 Whenever it shall come to the knowledge of the supreme court that the judges  
6 or officers of said municipal court or any one or more of them are exceeding their  
7 powers or are proceeding irregularly in the exercise of their powers or in the  
8 performance of their duties, it shall be the duty of the supreme court, and the  
9 supreme court shall have full power, to make and enforce any order which the  
10 court may deem necessary to correct such excess or irregularity. It shall also  
11 be the duty of the supreme court to cause to be made, at least once in each year,  
12 and by such agents as the supreme court may select for that purpose, a thorough  
13 investigation into the administration of justice in said municipal court and into  
14 the management of the business thereof. The agents so selected shall have  
15 power, subject to the supervision of the supreme court, to summon witnesses,  
16 compel their attendance, administer oaths to them and require them to testify,  
17 and, upon the conclusion of such investigation, shall make report of the same and  
18 of the result thereof, together with the evidence taken by them, to the supreme  
19 court, and thereupon the supreme court shall take such action with respect thereto  
20 as the court may deem advisable. The agents so appointed shall receive for  
21 their services such compensation as the supreme court may deem just and rea-  
22 sonable and the same, together with all other expenses of such investigation

24 which may be allowed by the court, shall be paid out of the city treasury of the  
25 city of Chicago upon the certificate of the chief justice of the supreme court.

Sec. 466. PAPERS AND RECORD ENTRIES CONSTITUTING PART OF RECORD OF ALL  
2 ACTIONS.] The following papers and record entries shall constitute a part of the  
3 record of every action or proceeding in the municipal court:

4 *First*—SUMMONS, WRIT, RETURN, NOTICE, PUBLISHER'S CERTIFICATE, ETC.] The  
5 summons, writ or citation, and the proof of service thereof, not including ser-  
6 vice of copies of papers served therewith, or, in case of notice by publication,  
7 a copy of the notice with the certificate of the publisher of the publication there-  
8 of, the certificate, if any, of the clerk of the mailing thereof, and the affidavit  
9 authorizing such notice by publication.

10 *Second*—AMENDMENTS.] Every amendment filed by leave of court of any  
11 paper constituting a part of the record.

12 *Third*—FINAL ORDERS, JUDGMENTS AND DECREES AND INTERLOCUTORY ORDERS AP-  
13 PEALED FROM.] Every order, judgment or decree final in its nature entered in  
14 the action, and, for the purposes of an appeal from an interlocutory order, the  
15 interlocutory order appealed from.

16 *Fourth*—REPORT OF PROCEEDINGS.] The report or reports, if any, of the pro-  
17 ceedings settled and signed by the judges before whom such proceedings have  
18 been had; the report, if any, of a master in chancery.

Sec. 467. ADDITIONAL PAPERS FORMING PARTS OF RECORD.] In addition to the  
2 papers and record entries specified in the preceding section, the following  
3 papers shall constitute parts of the records of actions and proceedings in the  
4 municipal court:

5 *First*—ACTIONS AT LAW NOT OTHERWISE PROVIDED FOR.] The praecipe and  
6 copy of the distress warrant and inventory in an action of distress for rent;  
7 the praecipe and affidavit in attachment in an action of attachment or attach-



8 ment of water craft; the interrogatories to a garnishee; the praecipe, statement  
 9 of claim and affidavit in an action in which a writ of *capias ad respondendum*  
 10 is issued; the praecipe and affidavit in an action of *replevin*; the praecipe and  
 11 statement of claim, if any, in all other actions; the affidavit, if any, for an at-  
 12 tachment in aid; the affidavit of claim, if any, filed by the plaintiff; the appear-  
 13 ance and specification of defense or defenses, if any, of the defendant; the motion,  
 14 if any, in abatement and the affidavit, if any, in denial of the grounds of attach-  
 15 ment alleged by the plaintiff; every appearance and the answers of a garnishee  
 16 to interrogatories; every intervenor's statement of claim and affidavit, or peti-  
 17 tion and affidavit.

18 *Second*—CONFESSON OF JUDGMENT.] The praecipe, the warrant of attorney,  
 19 the affidavit or affidavits of the plaintiff, his agent or attorney, and the con-  
 20 fession of judgment; the judgment by confession and, in case of a subsequent  
 21 motion to vacate the judgment, the appearance of the defendant, the motion to  
 22 vacate the judgment and the affidavit in support thereof, the specification of the  
 23 defendant's defense or defenses.

24 *Third*—BASTARDY ACTION.] The complaint of the plaintiff.

25 *Fourth*—RECOGNIZANCE ACTION.] The order reciting the entering into of  
 26 the recognizance, in oral, or the written recognizance if the same be in writing;  
 27 the order reciting the forfeiture of the recognizance or the discharge thereof;  
 28 the summons with the proof of service thereof or the return of the officer in case  
 29 the defendants, or either of them, are not found.

30 *Fifth*—CIVIL CONTEMPT.] The motion of the plaintiff, his agent or attorney,  
 31 for the rule upon the defendant to show cause and the affidavit in support there-  
 32 of; the affidavit, if any, of the defendant.

33 *Sixth*—CRIMINAL CONTEMPT NOT IN PRESENCE OF COURT.] The affidavit on  
 34 behalf of the plaintiff; the affidavit, if any, of the defendant.

35 *Seventh*—SUPPLEMENTARY PROCEEDING.] The petition of the plaintiff for a  
 36 citation; the citation or citations issued, with the proofs of service indorsed



thereon; the affidavit, if any, of the defendant denying the allegations, or any of them, of the plaintiff's petition; the intervener's petition and affidavit, if any; the citation or citations, if any, issued thereon and the affidavit, if any, of the defendant denying the allegations or any of them of the intervening petition.

*Eighth*—CRIMINAL ACTION.] The indictment, information or complaint; the order reciting the return of the indictment, or the order, if any, granting leave to file the information or complaint.

*Ninth*—QUASI CRIMINAL ACTION COMMENCED BY WARRANT.] The complaint and the order granting leave to file the same.

*Tenth*—ACTION IN EQUITY.] The pleadings of the parties.

Sec. 468. ACTIONS, ETC., TO BE NUMBERED.] Every action or proceeding hereafter commenced in the municipal court shall be given a record number, which record number shall not be changed excepting as hereinafter provided, and no two actions or proceedings in the same court shall ever be given the same number. The record numbers of actions shall extend from one (1) to one million (1,000,000). In addition to the record number of an action or proceeding, it may be given a calendar number upon any written or printed calendar prepared for the convenience of the court and the officers thereof, but such calendar number shall not be entered in any manner upon the record.

Sec. 469. FUNCTION OF NUMBER.] The record number of an action or proceeding shall not serve the purpose of indicating the order of its commencement, but shall, together with the classification of the action or proceeding and the title thereof, serve to identify it, and the files and record entries thereof.

Sec. 470. PAPER OF UNIFORM SIZE AND QUALITY TO BE USED.] There shall be used in the municipal court in the preparation of all praecipes and statements of claims, appearances and specifications of defenses, pleadings, summonses, writs, bonds, affidavits, depositions taken within this State, masters' reports, and all

5 other papers (excepting depositions taken without this State), which may be filed  
 6 in any action or proceeding, paper of a uniform size and quality to be prescribed,  
 7 from time to time, by the supreme court. Until otherwise prescribed by the  
 8 supreme court said paper shall be of the kind known as linen paper and shall be  
 9 of good quality, suitable for use in typewriting machines and the making of car-  
 10 bon copies, and shall be thirteen and one-half ( $13\frac{1}{2}$ ) inches in length and eight  
 11 and one-half ( $8\frac{1}{2}$ ) inches in width, with three (3) perforations suitable for the  
 12 fastening together of all papers filed in each action or proceeding, each of said  
 13 perforations to be one-fourth ( $\frac{1}{4}$ ) of an inch in diameter and one to be in the  
 14 center five-eighths ( $\frac{5}{8}$ ) of an inch from the top of the page and one at each side  
 15 thereof five-eighths ( $\frac{5}{8}$ ) of an inch from the top of the page and one and one-half  
 16 ( $1\frac{1}{2}$ ) inches from the side thereof. But the provisions of this section shall not,  
 17 until otherwise prescribed by the supreme court, be deemed to be applicable to  
 18 tax proceedings, or to special proceedings, the procedure in which is not express-  
 19 ly provided for by this act.

Sec. 471. CLERK TO DISTRIBUTE PAPER.] The clerk of the municipal court  
 2 shall keep on hand, for sale to attorneys at law authorized to practice in the  
 3 courts of this State and residing in this State, the paper specified in the preced-  
 4 ing section in quantities not less than one ream, and also envelopes, in quantities  
 5 not less than two hundred (200), suitable for containing such paper without  
 6 folding, for the purpose of preserving or mailing the same, or otherwise, at prices  
 7 which shall be five per cent in addition to the actual cost thereof to the city.

Sec. 472. ENTITLING OF PAPERS.] Every paper filed by either party, and  
 2 every summons or writ or other paper issued by the clerk, and every bond exe-  
 3 cuted or recognizance entered into, in any action shall specify the court in which  
 4 the action is pending and the title, classification and number thereof. In the  
 5 praecipe or other paper filed by the plaintiff for the purpose of commencing his

6 action the title shall contain the names of all the parties, both plaintiff and de-  
 7 fendant. In every paper filed by either party, and in every summons, writ or  
 8 other paper issued by the clerk and in every bond executed or recognizance en-  
 9 tered into, subsequent to the commencement of the action, when there is more than  
 10 one plaintiff, or more than one defendant, the title shall contain the names of the  
 11 first party plaintiff and of the first party defendant with the usual indication by  
 12 the letters "et al." that there are additional parties to the action. At the time  
 13 of the commencement of the action the clerk shall enter upon the register and  
 14 minute book, hereinafter provided for, the names of all the parties thereto and  
 15 when any amendment making additional parties, or any intervener's claim, bill  
 16 of intervention, intervening petition, supplement bill of complaint or cross-bill  
 17 of complaint is filed in any action, the clerk shall enter, or otherwise appropri-  
 18 ately indicate the names of all of the additional parties made by such amend-  
 19 ment, or the parties to such intervener's claim, bill of intervention, intervening  
 20 petition, supplemental bill of complaint or cross-bill of complaint, as the case  
 21 may be, upon the register and minute book: *Provided, however,* that when the  
 22 names of the parties to any action as commenced, or the names of the additonal  
 23 parties made such by subsequent amendment, or the names of the parties to such  
 24 intervener's claim, bill of intervention, intervening petition, supplemental bill of  
 25 complaint or cross-bill of complaint, as the case may be, are so numerous that  
 26 they cannot all be conveniently entered upon the register and minute book, it  
 27 shall not be necessary for the clerk to enter upon the register and minute book  
 28 more of said names than may appear to be practicable and sufficient to clearly  
 29 identify the action, and in such case the clerk shall enter upon the register and  
 30 minute book a memorandum indicating the paper in which the names of all of the  
 31 parties are set forth.

Sec. 473. BLANKS TO BE USED.] It shall be the duty of the court to require  
 2 in the transaction of the business of the court, so far as may appear to be prac-



3 ticable, the use of the printed blank forms distributed by the clerk free of charge  
4 as hereinbefore provided.

Sec. 474. FLAT FILING SYSTEM.] When any paper is filed with the clerk it shall  
2 under no circumstances be folded, but the system known as the "flat filing sys-  
3 tem" shall be used in all courts of record in all actions and proceedings com-  
4 menced after the taking effect of this act.

Sec. 475. CLERK NOT TO FILE PAPER NOT COMPLYING WITH PROVISIONS OF ACT—  
2 STRIKING PAPERS FROM FILES.] The clerk of the municipal court shall enforce  
3 strict compliance by parties to actions, or their attorneys, with the require-  
4 ments of the five next preceding sections, and shall not receive for filing any  
5 paper not in compliance therewith. Any person feeling himself aggrieved by the  
6 refusal of the clerk to receive for filing any paper offered for such filing may  
7 apply to the court for relief therefrom, and the court shall make such verbal  
8 order in the premises as the court may deem proper. Any paper filed which  
9 does not comply with the provisions of said section may be ordered stricken from  
10 the files on motion of any party to the action or by the court of its own motion.

Sec. 476. FILING OF PAPERS TO BE REGISTERED.] When any paper is filed in any  
2 action or proceeding a memorandum thereof, descriptive of the character of the  
3 paper with the date of the filing of the same, shall be entered in the register and  
4 minute book hereinafter provided for.

Sec. 477. FILES NOT TO BE TAKEN FROM CLERK'S OFFICE—EXCEPTION.] No paper  
2 file in any action or proceeding in the municipal court shall be taken from the  
3 clerk's office excepting to be taken in charge of the clerk or some deputy clerk  
4 to some court room, or to be delivered to some master in chancery, and, in such  
5 case, if the paper be taken to a court room, the clerk or deputy clerk shall re-  
6 tain the custody or control of the same, or place the same under the control of  
7 some other officer of the court, to be returned to its proper place in the clerk's



8 office when the same is no longer needed in such court room, and, if the paper be  
 9 delivered to a master in chancery, it shall be returned by him to the clerk's  
 10 office when the same is no longer needed in his office: *Provided, however,* that  
 11 upon the bringing of any action on a penal bond filed in any action, the same  
 12 may be removed from the files for the purpose of being used in the action so  
 13 brought, but in such case the clerk shall substitute therefor in the files of the  
 14 action a certified copy thereof. Any person who shall remove any paper from  
 15 the clerk's office, or permit the same to be so removed, in violation of this section,  
 16 shall be deemed guilty of a criminal contempt of court and shall be punished  
 17 therefor accordingly.

Sec. 478. RECORD PAPERS TO BE KEPT FASTENED TOGETHER.] The papers filed  
 2 from time to time in any action or proceeding shall be securely fastened together  
 3 as received by the clerk in the order in which they are so received: *Provided,*  
 4 *however,* that when the papers in any action are numerous or voluminous they  
 5 may be divided by the clerk into convenient packages, and that the papers which,  
 6 by the provisions of this act, constitute a part of the record may be kept in a  
 7 package separate from those which do not constitute a part of the record. Every  
 8 package of such papers shall be provided with a suitable cover on which shall  
 9 be stated the name of the court in which the action or proceeding is pending  
 10 and the title, classification and number thereof.

Sec. 479. COPY OF REGISTER AND MINUTE BOOK TO BE KEPT WITH RECORD FILES  
 2 OR COPY THEREOF.] The clerk shall keep as a part of and fastened together with  
 3 the files in any action which, by the terms of this act, are parts of the record  
 4 thereof, a correct transcript of the entries upon the register and minute book:  
 5 *Provided, however,* that, when the parties to actions are required to file copies  
 6 of papers as above provided for, such copy of the entries upon the register and  
 7 minute book need only be kept with such copies of papers so filed.

Sec. 480. WHEN ORDERS TO BE FILED WITH RECORD PAPERS.] Whenever, in accordance with the terms of this act, any order entered in any action, other than one entered at large in a record book, is required to be written out in full and signed by the presiding judge, the same shall be filed and kept by the clerk with the papers filed as aforesaid and constituting a part of the record, and there shall also be filed and kept by the clerk with such papers the original draft, if any, signed by the judge, of any order, judgment or decree which by the terms of this act, is required to be entered in full upon the special order book hereinafter provided for.

Sec. 481. BOOKS TO BE KEPT BY CLERK OF MUNICIPAL COURT.] The clerk of the municipal court, for the purpose of recording and preserving the proceedings of said court, shall keep the following books:

*First*—REGISTER AND MINUTE BOOK.] A book to be known as REGISTER AND MINUTE BOOK for the docketing of actions and proceedings and the entry in abbreviated forms of minutes of papers filed, writs issued, and orders entered in each action or proceeding brought in the court, such minutes to be entered in chronological order and to consist of the names of all of the parties and of their respective attorneys, the number and classification of the action or proceeding, the name of each paper filed or writ issued and the date of such filing or issuing, each order entered and the date when entered, and the name of the judge by whom entered and, if the same be of such nature as to be required to be written out in full, the book and page of the SPECIAL ORDER BOOK hereinafter referred to where the same may be found, if the same be entered in such SPECIAL ORDER BOOK, or, if the same be not entered in such SPECIAL ORDER BOOK, a memorandum indicating that a draft of the same is on file with the papers in the action; and for the entry of such other memoranda as the clerk may deem necessary for the information of the officers of the court and the parties to or persons interested in the action or as may be required by the court. Whenever

the number of actions or proceedings brought in the court is such as, in the opinion of the chief justice, to render it expedient in lieu of the REGISTER AND MINUTE BOOK to be kept for every action or special proceeding the clerk may keep for the same purpose such number of register and minute books as the chief justice may deem proper, such register and minute books to have such names as the chief justice may direct.

*Second*—GENERAL ORDER BOOK.] A book to be known as GENERAL ORDER BOOK, in which there shall be entered all orders of the court of a general nature, not entered in any specified action or special proceeding.

*Third*—SPECIAL ORDER BOOK.] A book to be known as SPECIAL ORDER BOOK for the entry of such orders, judgments and decrees in actions at law, actions in equity and other proceedings as may be required to be entered therein in full. Whenever the number of cases brought in any court is such as, in the opinion of the chief justice to render it expedient in lieu of the SPECIAL ORDER BOOK to be used for every action or proceeding the clerk may keep for the same purpose such number of special order books as the chief justice may deem necessary, such special order books to be given such names as the chief justice may deem proper.

*Fourth*—OTHER BOOKS.] Such other books as may, from time to time, be required by law or by rules adopted by said municipal court not inconsistent with law.

Sec. 482. HOW ORDERS, JUDGMENTS AND DECREES MAY BE ENTERED.] Orders, judgments and decrees may be entered in the record books of the municipal court either by being written out in full therein or by the use of the abbreviated forms provided for by this act. Orders, judgments and decrees which are written out in full in the record books shall be entered in the appropriate SPECIAL ORDER BOOK hereinbefore provided for and minutes thereof in abbreviated forms, together with references to the books and pages of the SPECIAL ORDER BOOK in which



8 they are written out in full shall be entered in the REGISTER AND MINUTE BOOK.  
 9 An order, judgment or decree which is written out in full but is not to be entered  
 10 in full upon any record book shall be filed with the papers constituting a part of  
 11 the record in the action and a minute thereof shall be entered in the REGISTER AND  
 12 MINUTE BOOK, which minute in addition to the date and name of the judge by  
 13 whom entered may be in substantially the following form: "Order for (here  
 14 state general nature of order). See draft on file." When any order, judgment  
 15 or decree is entered which is required to be written out in full in a record book,  
 16 the minute thereof in the REGISTER AND MINUTE BOOK shall indicate the record  
 17 book and page thereof in which the same is to be found written out in full and if  
 18 the same be upon a draft which is signed by the judge such draft shall be filed  
 19 and kept with the papers constituting a part of the record of the action.

Sec. 483. WHAT ORDERS, JUDGMENTS AND DECREES TO BE ENTERED ON RECORD  
 2 BOOKS IN FULL.] The following orders, judgments and decrees, and no others,  
 3 in actions and proceedings shall be entered upon the SPECIAL ORDER BOOK of the  
 4 court by being written out in full:

5 *First*—FINAL ORDER, ETC., IN EQUITY—EXCEPTIONS.] Every final order or de-  
 6 cree in an action in equity, other than an order dismissing a bill of complaint  
 7 for want of equity or want of prosecution or without prejudice, or upon the ap-  
 8 plication of the plaintiff in such bill of complaint or by agreement of the parties  
 9 or where the same is a decree for money only and the amount thereof, exclu-  
 10 sive of interest and costs does not exceed twenty-five dollars (\$25). When any  
 11 such final order or decree is required to be entered in full in the SPECIAL ORDER  
 12 BOOK a draft thereof shall also be made and shall be signed by the judge and  
 13 shall be filed and kept with the papers constituting the record of the action.

14 *Second*—FINAL ORDER OR JUDGMENT AT LAW OF UNUSUAL FORM.] Every final  
 15 order or judgment in an action at law, whether civil, criminal or quasi crim-  
 16 inal which is so unusual in form that the purport and legal effect thereof cannot



17 be accurately expressed in an abbreviated form upon the REGISTER AND MINUTE  
18 Book, and in such case a draft thereof shall also be made and shall be signed by  
19 the judge and shall be filed and kept with the papers constituting the record of  
20 the action.

Sec. 484. KEEPING OF FILES AND RECORDS.] It shall be the duty of the judges  
2 of the municipal court to adopt, as soon as may be practicable after this act shall  
3 have become operative, a complete code of rules and regulations for the keeping  
4 and preserving of the files and record entries in actions in said court, and pre-  
5 scribing abbreviated forms for the making of such record entries, which abbre-  
6 viated forms, when prescribed by such rules, shall have the same force and  
7 effect as if the orders of said court entered by means of such abbreviated forms  
8 were written out in full and entered upon said records. The methods of keeping  
9 and preserving said files and record entries, when so prescribed by such rules and  
10 regulations, shall be subject to such alterations and changes, from time to time,  
11 as may be directed by said judges of the municipal court by subsequent rules  
12 and regulations, it being the intention hereof that the judges of the municipal  
13 court shall have full power and authority and that it shall be their duty to  
14 direct all such alterations and changes in the keeping of such files and record  
15 entries as may appear to said judges to be needful to secure accuracy, the con-  
16 venience of litigants and the officers of the court and economy, and for the intro-  
17 duction of the latest and most improved business methods in the administration  
18 of justice in said court: *Provided, however,* that no such rules and regulations  
19 shall take effect until the same shall have first been approved by the supreme  
20 court, and, *Provided, further,* that if, by any general law applicable to courts of  
21 record of this State which may take effect after the 30th day of June, 1909,  
22 there shall be provided a scheme for keeping and preserving the files of courts  
23 of record and of entering upon the records, in abbreviated forms, the orders of  
24 said courts, the supreme court may, in its discretion, order that the scheme so

25 provided by such general law shall become applicable in the keeping and pre-  
 26 serving of the files and the making of the record entries of said municipal  
 27 court. The judges of said municipal court may, with the approval of the supreme  
 28 court, employ some competent person to draft, for their consideration, the rules  
 29 and regulations hereinbefore provided for at such compensation as may be de-  
 30 termined upon by said judges, which compensation shall be paid out of the city  
 31 treasury of the city of Chicago upon the order of the chief justice of the muni-  
 32 cipal court.

Sec. 485. COURTS TO TAKE JUDICIAL NOTICE OF MEANING OF FORMS OF RECORD EN-  
 2 TRIES OF MUNICIPAL COURT.] All courts of this State shall take judicial notice of  
 3 the meaning of the forms of record entries in use from time to time in the keep-  
 4 ing of the records of said municipal court, and a certified copy of the entries in  
 5 the register and minute book in any action in said municipal court shall be re-  
 6 ceived in all courts of this State as competent evidence of such of the proceed-  
 7 ings in such action as are authorized by this act to be entered upon the records of  
 8 said court in an abbreviated form.

Sec. 486. TRANSCRIPT FOR USE OUTSIDE OF THIS STATE.] Whenever any tran-  
 2 script of the record of said municipal court shall be needed for use outside of  
 3 this State, the clerk shall, from the abbreviated forms, write out in full the or-  
 4 ders, judgments and decrees in the action and certify the same as the record, or  
 5 as part of the record, as the case may be, of the action.

Sec. 487. PLAINTIFF'S COSTS TO CLERK IN CIVIL ACTIONS NOT OTHERWISE PRO-  
 2 VIDED FOR WHEN JURY NOT DEMANDED.] The costs to be paid by the plaintiff to  
 3 the clerk of the municipal court in a civil action or proceeding not hereinafter  
 4 otherwise expressly provided for, including an action for the confession of a  
 5 judgment, when the plaintiff does not file with the clerk a demand in writing of  
 6 a trial by jury, which costs, excepting as may be hereinafter otherwise pro-

7 vided, shall be payable at the time of the commencement of the action and shall  
 8 be in full for all services to be rendered by said clerk for the plaintiff, other than  
 9 services for which special provision is made by this act, shall be as follows:

10 *First*—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every  
 11 action at law for the recovery of money or personal property or both, when the  
 12 amount in money or property or both claimed by the plaintiff does not exceed one  
 13 hundred dollars (\$100), the sum of two dollars (\$2); when the amount in  
 14 money or property, or both, claimed by the plaintiff exceeds one hundred dollars  
 15 (\$100) but does not exceed two hundred dollars (\$200) the sum of three dollars  
 16 (\$3); when the amount in money or property, or both, claimed by the plaintiff  
 17 exceeds two hundred dollars (\$200), but does not exceed one thousand dollars  
 18 (\$1000), the sum of five dollars (\$5): and when the amount in money or prop-  
 19 erty, or both, claimed by the plaintiff exceeds one thousand dollars (\$1000), the  
 20 sum of eight dollars (\$8).

21 *Second*—FORCIBLE DETAINER.] In every action of forcible detainer the sum  
 22 of three dollars (\$3): *Provided, however,* that when, in any such action, the  
 23 plaintiff unites with his claim for possession of the property any claim for rent  
 24 or damages, he shall pay the further sum of one dollar (\$1) when the amount  
 25 claimed for rent or damages does not exceed one hundred dollars (\$100), or the  
 26 further sum of two dollars (\$2) when the amount claimed for rent or damages  
 27 exceeds one hundred dollars (\$100) but does not exceed two hundred dollars  
 28 (\$200), or the further sum of four dollars (\$4) when the amount claimed for rent  
 29 or damages exceeds two hundred dollars (\$200) but does not exceed one thou-  
 30 sand dollars (\$1000), or the further sum of six dollars (\$6) when the amount  
 31 claimed for rent or damages exceeds one thousand dollars (\$1000).

32 *Third*—ACTIONS IN EQUITY.] In every action in equity the sum of fifteen dol-  
 33 lars (\$15).



34 *Fourth—AMENDMENT CHANGING AMOUNT OF CLAIM, ETC.] Whenever, after*  
 35 *the commencement of an action, any amendment is made to the plaintiff's claim,*  
 36 *bill, petition or other paper, by reason of which the amount of his claim is in-*  
 37 *creased beyond the amount claimed at the time of the commencement of his ac-*  
 38 *tion he shall, at the time of filing such amendment, pay such additional costs as*  
 39 *he would have been required to pay and, in addition thereto such additional costs*  
 40 *as the respective defendants who have entered their appearances would have*  
 41 *been required to pay, as hereinafter provided, at the time of entering their ap-*  
 42 *pearances, had such amendment been made at the time of the commencement of*  
 43 *the action.*

Sec. 488. PLAINTIFF'S ADDITIONAL CLERK'S COSTS WHEN JURY DEMANDED.] The  
 2 plaintiff, at the time of commencing any action or proceeding mentioned in the  
 3 preceding section, if he files with the clerk of the municipal court a demand in  
 4 writing of a trial by jury, shall pay to the clerk, over and above the respective  
 5 sums provided for in the preceding section, the sum of six dollars (\$6).

Sec. 489. TRANSFERRED CASES.] The party filing in the municipal court the  
 2 transcript in an action or proceeding transferred to said municipal court by an-  
 3 other court of competent jurisdiction by change of venue or otherwise, shall, at  
 4 the time of the filing of said transcript with the clerk, pay to the clerk in full  
 5 for all services to be rendered by said clerk for the parties, other than services  
 6 for which special provision is made by this act, one-half the costs required to be  
 7 paid by the plaintiff at the time of the commencement of the action and by the  
 8 defendant at the time of entering his appearance in a similar case in the circuit  
 9 court of Cook county.

Sec. 490. CLERK'S COSTS FOR EXECUTION.] The costs to be paid to the clerk of  
 2 the municipal court at the time of suing out any writ of execution by the party  
 3 suing out the same shall be the sum of one dollar (\$1), but no costs shall be pay-



able for the issuance of any alias or pluries execution, nor for the issuance of any execution upon a judgment for money when the amount of the judgment, exclusive of interest and costs, does not exceed one hundred dollars (\$100).

Sec. 491. CLERK'S COSTS FOR SUPPLEMENTARY PROCEEDING.] The costs to be paid to the clerk of the municipal court at the time of instituting any supplementary proceeding provided for by this act for the collection of any judgment for money, by the party instituting the same, shall be the sum of one dollar (\$1) when the amount of the judgment does not exceed one hundred dollars (\$100); the sum of two dollars (\$2) when the amount of the judgment exceeds one hundred dollars (\$100), but does not exceed five hundred dollars (\$500); the sum of three dollars (\$3) when the amount of the judgment exceeds five hundred dollars (\$500), but does not exceed one thousand dollars (\$1,000); and the sum of six dollars (\$6) when the amount of the judgment exceeds one thousand dollars (\$1,000).

Sec. 492. DEFENDANT'S CLERK'S COSTS WHEN JURY NOT DEMANDED.] The costs to be paid by the defendant to the clerk of the municipal court at the time of entering his appearance in any action referred to in either of the five preceding sections, when the defendant does not file with the clerk a demand in writing of a trial by jury, which costs shall be in full for all services to be rendered by said clerk for the defendant, other than services for which special provision is made by this act, shall be as follows:

*First*—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every action at law for the recovery of money or personal property, or both, when the amount in money or property, or both, claimed by the plaintiff does not exceed one hundred dollars (\$100), the sum of fifty (50) cents; when the amount in money or property, or both, claimed by the plaintiff exceeds one hundred dollars (\$100), but does not exceed two hundred dollars (\$200), the sum of one dollar

14 (\$1); when the amount in money or property, or both, claimed by the plaintiff  
 15 exceeds two hundred dollars (\$200), but does not exceed five hundred dollars  
 16 (\$500), the sum of two dollars (\$2); when the amount in money or property, or  
 17 both, claimed by the plaintiff exceeds five hundred dollars (\$500), but does not  
 18 exceed one thousand dollars (\$1,000), the sum of three dollars (\$3); and when  
 19 the amount in money or property, or both, claimed by the plaintiff exceeds one  
 20 thousand dollars (\$1,000), the sum of five dollars (\$5).

21 *Second*—FORCIBLE DETAINER.] In every action of forcible detainer the sum  
 22 of one dollar (\$1): *Provided, however*, that when, in any such action, the plain-  
 23 tiff unites with his claim for possession of the property any claim for rent or  
 24 damages the defendant shall pay an additional sum, which shall be fifty (50)  
 25 cents, when the amount claimed for rent or damages does not exceed one hun-  
 26 dred dollars (\$100); one dollar (\$1) when the amount claimed for rent or dam-  
 27 ages exceeds one hundred dollars (\$100), but does not exceed two hundred dollars  
 28 (\$200), or two dollars (\$2) when the amount claimed for rent or damages ex-  
 29 ceeds two hundred dollars (\$200), but does not exceed one thousand dollars  
 30 (\$1,000), or four dollars (\$4) when the amount claimed for rent or damages ex-  
 31 ceeds one thousand dollars (\$1,000).

32 *Third*—ACTIONS IN EQUITY.] In every action in equity the sum of five dol-  
 33 lars (\$5).

Sec. 493. DEFENDANT'S ADDITIONAL CLERK'S COSTS WHEN JURY DEMANDED.]

2 The defendant, at the time of entering his appearance in the municipal court in  
 3 any action or proceeding mentioned in the preceding section, if he files with the  
 4 clerk a demand in writing of a trial by jury, shall pay to the clerk, over and  
 5 above the respective sums provided for in the preceding section, the sum of six  
 6 dollars (\$6).

Sec. 494. CLERK'S FEES ON CHANGE OF VENUE.] The party obtaining an or-

2 der for a change of venue from the municipal court to another court in a civil or

3 quasi criminal action shall, at the time of obtaining such order, pay to the clerk  
 4 of the municipal court the sum of five dollars (\$5), of which sum two dollars  
 5 (\$2) shall be retained by such clerk as his fees for authenticating and transmit-  
 6 ting the record of the action and the remaining three dollars (\$3) of said sum  
 7 shall be transmitted by him to the clerk of the court to which the change is  
 8 made as the costs of such clerk, which costs shall be in full for all services to be  
 9 rendered by said clerk for the parties to said action other than services for  
 10 which special provision is made by this act. When a change of venue is granted  
 11 to another court by the court of its own motion, no costs shall be payable by  
 12 either party on account thereof, but the clerk of the municipal court shall forth-  
 13 with prepare the authenticated record and transmit the same to the court to which  
 14 the change of venue is taken and the same shall be there filed.

Sec. 495. ADDITIONAL COSTS OF TRIAL BY JURY.] If the trial in the municipal  
 2 court of any action or proceeding in which either party has filed a demand in  
 3 writing of a trial by jury and which is tried by jury shall occupy more than one  
 4 full day, the clerk shall tax as costs against the unsuccessful party, or against  
 5 the party against whom the costs of the action are to be taxed, the sum of six  
 6 dollars (\$6) for each day or fractional day in addition to the first day occupied  
 7 by such trial, exclusive of the time occupied by the jury in deliberating on their  
 8 verdict: *Provided, however,* that when the trial of any such action is unduly  
 9 protracted through the fault of the successful party the court may, in its discre-  
 10 tion, require such portion of the amount required to be paid as aforesaid for the  
 11 time occupied in the trial by the jury as the court may deem reasonable and  
 12 just to be taxed against the successful party and the same shall be taxed accord-  
 13 ingly.

Sec. 496. COSTS TO BE PAID BY DEFENDANT OR GROUP OF DEFENDANTS ENTERING  
 2 SEPARATE APPEARANCES.] The costs hereinbefore provided to be paid by the de-



3 fendant at the time of entering his appearance, when the action or proceeding is  
 4 one where there are several defendants, shall be paid by each defendant, or  
 5 group of defendants, who may enter a separate appearance or separate appear-  
 6 ances.

Sec. 497. COSTS OF PARTIES TO INTERVENTION.] The costs to be paid by an in-  
 2 tervener to the clerk of the municipal court in any action at the time he files his  
 3 intervener's claim, bill of intervention or petition, shall be the same as he  
 4 would be required to pay if such claim, bill or petition were the claim, bill or  
 5 petition of a plaintiff in an original action and such costs shall be in full for all  
 6 services to be rendered by said clerk for the intervener, other than services for  
 7 which special provision is made by this act; and when, by any bill of interven-  
 8 tion in an action in equity, any person is made a defendant thereto who was not  
 9 a party to the action prior thereto, or who, being prior thereto a party to the  
 10 action, did not enter his appearance therein, such defendant, at the time of en-  
 11 tering his appearance as a defendant to said bill of intervention, shall pay the  
 12 same costs he would be required to pay if he entered his appearance as a de-  
 13 fendant in an original action brought by said intervener upon the same cause of  
 14 action.

Sec. 498. ADDITIONAL COSTS OF TRIAL OR HEARING BY COURT.] Whenever the  
 2 trial or hearing of any action in the municipal court tried or heard by the court  
 3 without a jury shall occupy more than one day's time there shall be taxed as  
 4 costs against the unsuccessful party, or against the party against whom the costs  
 5 of the action are to be taxed, the sum of three dollars (\$3) for each day or frac-  
 6 tional day in addition to such first day occupied by such trial: *Provided, how-*  
 7 *ever,* that when the trial or hearing of any such action is unduly protracted  
 8 through the fault of the successful party the court may, in its discretion, require  
 9 such portion of the costs, as the court may deem reasonable, to be taxed against



10 the successful party and the same shall be taxed accordingly. A trial or hear-  
 11 ing within the meaning of the provisions of this act relating to costs shall in-  
 12 clude not only a final trial of an action at law or a final hearing in equity but also  
 13 a hearing upon any contested motion in any action at law or in equity. Six  
 14 hours shall constitute a full day within the meaning of this act excepting when  
 15 otherwise expressly provided.

Sec. 499. CLERK'S FEES IN CRIMINAL ACTIONS.] The clerk's fees in the muni-  
 2 cipal court in criminal actions, which fees shall be in full for all services to  
 3 be rendered by said clerk for both parties, other than services for which special  
 4 provision is made by this act, shall be as follows:

5 *First*—CAPITAL CASE.] In every capital case when the defendant enters a  
 6 plea of guilty, twenty-five dollars (\$25); when the defendant is convicted after  
 7 a trial by jury, fifty dollars (\$50).

8 *Second*—FELONY OTHER THAN CAPITAL.] In every felony case, other than a  
 9 capital case, when the defendant pleads guilty, twenty dollars (\$20); when the  
 10 defendant is convicted after a trial by jury, forty dollars (\$40).

11 *Third*—CONSPIRACY.] In every conspiracy case, when the defendant pleads  
 12 guilty, twenty dollars (\$20); when the defendant is convicted after a trial by  
 13 jury, forty dollars (\$40).

14 *Fourth*—MISDEMEANOR.] In every case in which the punishment is not death  
 15 or confinement in the penitentiary, when the defendant pleads guilty, three dol-  
 16 lars (\$3); when the defendant is convicted after a trial by the court, six dollars  
 17 (\$6); when the defendant is convicted after a trial by jury fifteen dollars (\$15):  
 18 *Provided, however,* that in any action in which the defendant pleads guilty or is  
 19 convicted after a trial by the court and the fine imposed by the court, when the  
 20 punishment is by fine only, does not exceed twenty-five dollars (\$25), the clerk's  
 21 costs taxed against the defendant shall not exceed one dollar (\$1).

22 *Fifth*—ADDITIONAL FEES IN JURY TRIALS.] In every case in which the defend-  
 23 ant is convicted after a trial by jury which occupies more than one day, the clerk's  
 24 fees, in addition to those above in this section provided for, shall be twelve dol-  
 25 lars (\$12) for each day or fractional day occupied by the trial over and above the  
 26 first day thereof, exclusive of the time occupied by the jury in deliberating upon  
 27 their verdict.

Sec. 500. CLERK'S FEES IN MUNICIPAL ORDINANCE ACTIONS.] The clerk's fees  
 2 in the municipal court in quasi criminal actions to recover fines or penalties for  
 3 the violation of municipal ordinances, which fees shall be in full for all services  
 4 to be rendered by said clerk for both parties, other than services for which spe-  
 5 cial provision is made by this act, shall be as follows:

6 *First*—PLEA OF GUILTY—TRIAL BY COURT—TRIAL BY JURY—LIMITATION.] In  
 7 every case when the defendant is defaulted or pleads guilty, three dollars (\$3);  
 8 when the defendant is convicted after a trial by the court, six dollars (\$6); when  
 9 the defendant is convicted after a trial by jury, fifteen dollars (\$15): *Provided,*  
 10 *however,* that in any action in which the defendant pleads guilty or is convicted  
 11 after a trial by the court and the fine imposed by the court does not exceed twen-  
 12 ty-five dollars (\$25), the clerk's costs taxed against the defendant shall not ex-  
 13 ceed one dollar (\$1).

14 *Second*—WHEN TRIAL BY JURY EXCEEDS ONE DAY.] In every case in which the  
 15 defendant is convicted after a trial by jury which occupies more than one day  
 16 the clerk's fees, in addition to those above in this section provided for, shall be  
 17 twelve dollars (\$12) for each day or fractional day occupied by the trial over and  
 18 above the first day thereof, exclusive of the time occupied by the jury in deliberat-  
 19 ing upon their verdict.

Sec. 501. CLERK'S FEES IN OTHER QUASI CRIMINAL ACTIONS.] The clerk's fees  
 2 in the municipal court in quasi criminal actions instituted by the People of the

3 State of Illinois, or in the name of any State, county or municipal officer in his  
 4 official capacity, which fees shall be in full for all services to be rendered by said  
 5 clerk for both parties, other than services for which special provision is made  
 6 by this act, shall be as follows:

7 *First*—PLEA OF GUILTY—TRIAL BY COURT—TRIAL BY JURY.] In every case  
 8 when judgment is rendered against the defendant by default or upon a plea of  
 9 guilty, or other admission of liability, three dollars (\$3); when judgment is ren-  
 10 dered against the defendant after a trial by the court, six dollars (\$6); when  
 11 judgment is rendered against the defendant after a trial by jury, fifteen dollars  
 12 (\$15): *Provided, however,* that in any action in which a defendant pleads guilty  
 13 or is convicted after a trial by the court and the fine imposed by the court does  
 14 not exceed twenty-five dollars (\$25), the clerk's costs taxed against the defendant  
 15 shall not exceed one dollar (\$1).

16 *Second*—WHEN TRIAL BY JURY EXCEEDS ONE DAY.] In every case in which  
 17 judgment is rendered against the defendant after a trial by jury, which occupies  
 18 more than one day the clerk's fees, in addition to those above in this section pro-  
 19 vided for, shall be twelve dollars for each day or fractional day occupied by the  
 20 trial, over and above the first day thereof, exclusive of the time occupied by the  
 21 jury in deliberating upon their verdict.

Sec. 502. CLERK'S FEES IN BASTARDY ACTIONS.] The clerk's fees in the mu-  
 2 nicipal court in bastardy actions shall be as follows:

3 *First*—WITHOUT TRIAL BY JURY.] When the action is disposed of without a  
 4 trial by jury, six dollars (\$6).

5 *Second*—TRIAL BY JURY.] When the action is disposed of after a trial by  
 6 jury, twelve dollars (\$12), and an additional twelve dollars (\$12) for each day  
 7 or fractional day occupied by the trial over and above the first day thereof.

Sec. 503. CLERK'S FEES IN RECOGNIZANCE ACTIONS.] The clerk's fees in a  
 2 court of record of original jurisdiction in actions on recognizances shall be as  
 3 follows:

4 *First*—WITHOUT TRIAL BY JURY.] When the action is disposed of without a  
 5 trial by jury, the sum of eight dollars (\$8).

6 *Second*—WITH TRIAL BY JURY.] When the action is disposed of after a trial  
 7 by jury, twelve dollars (\$12) and an additional twelve dollars (\$12) for each day  
 8 or fractional day occupied by the trial over and above the first day thereof.

Sec. 504. FEES FOR ACKNOWLEDGMENT OF CHATTEL MORTGAGES, ETC.] The clerk  
 2 and each deputy clerk shall collect for the acknowledgment and entering of  
 3 memoranda of chattel mortgages and for the acknowledgment of other written  
 4 instruments the same fees allowed by law to justices of the peace in Cook  
 5 county for similar services.

Sec. 505. CLERK'S FEES FOR SPECIAL SERVICES.] The fees of the clerk of the  
 2 municipal court for services not included within those mentioned in the twenty-  
 3 three preceding sections shall be as follows:

4 *First*—CERTIFIED COPY OF ENTRIES IN REGISTER AND MINUTE BOOK.] For mak-  
 5 ing and mailing, postage prepaid, or otherwise delivering, to any attorney at law  
 6 authorized to practice in the courts of record in this State and resident therein a  
 7 certified copy of the entries in the register and minute book in any action or pro-  
 8 ceeding in said court twenty-five (25) cents, and an additional twenty-five (25)  
 9 cents when the same is accompanied with a certified copy of a final order, judg-  
 10 ment or decree written out in full in such action or proceeding. Any such  
 11 certified copy of the entries in a register and minute book shall be received in  
 12 all courts of this State as competent evidence of all orders entered in the action  
 13 or proceeding in which they purport to be entered when the abbreviated forms  
 14 thereof are sufficient to enable the court to understand the meaning and legal



15 effect thereof and also as competent evidence of the filing of all papers and the  
 16 issuance and return of all writs minuted therein, to the same extent as  
 17 if such entries were written out in full.

18 *Second*—CERTIFIED COPY OF PAPER OR RECORD FOR ATTORNEY.] For making,  
 19 for an attorney at law authorized to practice in the courts of record in this State  
 20 and resident therein, a typewritten copy of any paper, record or portion thereof  
 21 in any action, whether pending or determined in said court, and certifying the  
 22 same, for each one hundred (100) words four (4) cents and for comparing and  
 23 certifying any such copy when the same has not been made by the clerk, for  
 24 each one hundred (100) words, two (2) cents.

25 *Third*—CERTIFIED COPY OF PAPER OR RECORD FOR PERSON NOT ATTORNEY.] For  
 26 making and certifying a complete typewritten copy of the record in any action,  
 27 or for making and certifying copies of portions of records or copies of any paper  
 28 not otherwise provided for by this section, for any person requiring the same,  
 29 other than an attorney at law authorized to practice in the courts of this State  
 30 and resident therein, for each one hundred (100) words, in counties of the first  
 31 class, twelve (12) cents, in counties of the second class ten (10) cents, and in  
 32 counties of the third class, eight (8) cents.

33 *Fourth*—AUTHENTICATED RECORD FOR APPEAL, ETC.] For preparing and certi-  
 34 fying the authenticated record for the purpose of an appeal to or writ of error  
 35 from the supreme court or an appellate court, three dollars (\$3).

36 *Fifth*—CHANGE OF VENUE.] For preparing and transmitting to the clerk  
 37 of the proper court the record of an action in a case of change of venue, two  
 38 dollars (\$2).

Sec. 506. BAILIFF'S FEES.] The costs to be paid the bailiff for services ren-  
 2 dered by him, or to any other officer authorized to render and rendering such  
 3 services, in actions and proceedings in the municipal court, which costs, except

ing as is otherwise hereinafter expressly provided, are to be paid in advance by the party at whose instance the services are rendered shall be as follows:

*First*—SERVING SUMMONS, ETC.] For serving any summons, subpoena, garnishee summons, citation, order of court, writ of attachment, writ of replevin, writ of possession, writ of restitution, writ of assistance, writ of ejectment or writ of execution, the sum of one dollar (\$1) for each person served.

*Second*—EXECUTING CAPIAS.] For executing each capias or warrant one dollar and fifty cents (\$1.50) for each person arrested under such capias.

*Third*—LEVYING WRIT, ETC.] For levying each writ of attachment or writ of execution and taking property under each writ of replevin, one dollar (\$1).

*Fourth*—WRIT OF POSSESSION, ETC.] For executing each writ of possession, restitution, assistance or ejectment without aid, one dollar (\$1), and, when aid is necessary, the actual costs thereof.

*Fifth*—EXECUTING ORDER TO SEIZE PROPERTY.] For executing an order of court to seize personal property, one dollar (\$1).

*Sixth*—OTHER COSTS.] For other services than those hereinbefore in this section specified the same costs which may be from time to time allowed by law to sheriffs in counties of the third class: *Provided, however*, that no mileage shall be allowed to the bailiff in any case and that no costs for the service or return of any alias writ shall be chargeable when the costs above provided for the original writ have been paid.

Sec. 507. CLERK AND BAILIFF TO PAY OVER FEES—AUDITING OF ACCOUNTS.] The clerk and the bailiff shall pay over respectively to the city of Chicago all fees and costs collected by them in each month on or before the 10th day of the following month and the clerk and the bailiff shall be held personally responsible for all costs required to be paid to them in advance as hereinbefore provided: The clerk and the bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies and

such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

Sec: 508. FEES IN STENOGRAPHIC AND TYPEWRITING DEPARTMENT.] The fees to be paid for services rendered by the stenographic and typewriting department organized as provided by this act shall, excepting as may be otherwise provided by this act, be as follows:

*First*—FEES FOR ATTENDANCE IN OTHER THAN CRIMINAL ACTIONS.] For each half day's attendance or fractional half day's attendance of a court stenographer in court for the purpose of taking stenographic notes of the proceedings in any action, trial by jury, other than a criminal action, one dollar (\$1), the same, unless the court shall otherwise direct, to be taxed as costs against the unsuccessful party in such action, or, in case of an apportionment of costs, against the respective parties therein in accordance with such apportionment, and, when collected, to be disposed of as provided in this act.

*Second*—FEES FOR ATTENDANCE IN CRIMINAL ACTIONS.] For each half day's attendance or fractional half day's attendance of a court stenographer in court for the purpose of taking stenographic notes of the proceedings in a criminal action when the same is tried by jury, three dollars (\$3), the same to be taxed against the defendant in case of his final conviction only.

*Third*—ATTENDANCE UPON AND WORK FOR ATTORNEY.] For attendance upon any attorney at law authorized to practice in the courts of record of this State and resident therein for the purpose of taking stenographic notes of matter dictated, or for taking down upon a typewriter matter dictated, for each full hour fifty (50) cents, and for transcribing from stenographic notes and furnishing the original and two carbon copies thereof, four (4) cents for each one hundred (100) words of the original copy thereof, and when more than two (2) carbon copies are required an additional charge shall be made at the rate of two (2) cents



for each one hundred (100) words of each additional carbon copy; and for furnishing the original and two (2) carbon copies of matter dictated and taken down directly upon the typewriter two (2) cents for each one hundred (100) words of the original copy thereof, and, when more than two (2) carbon copies are required, an additional charge shall be made at the rate of one (1) cent for each one hundred (100) words of each additional carbon copy.

*Fourth*—MAKING TYPEWRITTEN COPIES.] For making a typewritten copy of any record entry or paper filed in any action or proceeding in the municipal court, or of any paper to be used therein, for any attorney at law authorized to practice in the courts of record in this State and resident therein, for each one hundred (100) words thereof three (3) cents and for each carbon copy thereof one (1) cent for each one hundred (100) words thereof.

*Fifth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER THAN CRIMINAL ACTIONS.] For transcribing from stenographic notes depositions to be used in courts of this State, proceedings before a master in chancery, or proceedings in court, other than in criminal actions, and furnishing the original and two carbon copies thereof, the same to be paid, in the first instance, by the party ordering the transcribing thereof, six (6) cents for each one hundred (100) words of the original copy thereof, and, when more than two (2) carbon copies are furnished, an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy.

*Sixth*—TAKING DOWN PROCEEDINGS BEFORE MASTER, ETC., AND FURNISHING COPIES.] For taking down directly upon a typewriter proceedings before a master, or depositions to be used in any action or proceeding in any court of this State, and furnishing the original of the matter so taken down and two (2) carbon copies thereof, the same to be paid, in the first instance, by the party in whose behalf the same is taken down, five (5) cents for each one hundred (100) words of the original copy thereof and, when more than two (2) carbon copies



are furnished, an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy.

*Seventh*—TAKING DOWN, ETC., DEPOSITIONS TO BE USED IN COURTS OTHER THAN THOSE OF THIS STATE.] For taking down stenographically or directly upon a typewriter depositions to be used in any court other than a court of this State, for each hour or fractional hour fifty (50) cents and for transcribing from stenographic notes and furnishing the original and two (2) carbon copies thereof, six (6) cents for each one hundred (100) words of the original thereof, and, when more than two (2) carbon copies are required, an additional charge shall be made at the rate of two (2) cents for each one hundred (100) of each additional carbon copy thereof, and for furnishing the original and two (2) carbon copies of matter dictated and taken down directly upon the typewriter, five (5) cents for each one hundred (100) words of the original copy thereof, and, when more than two (2) carbon copies are required an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy.

*Eighth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN CRIMINAL CASES PUNISHABLE BY DEATH OR CONFINEMENT IN THE PENITENTIARY.] For transcribing from stenographic notes proceedings in court in criminal actions in which the punishment may be death or confinement in the penitentiary, and furnishing the original to the presiding judge, one carbon copy to the state's attorney and one carbon copy to the defendant, ten (10) cents for each one hundred (100) words of the original copy thereof, and when more than two (2) carbon copies are furnished an additional charge shall be made at the rate of three (3) cents for each one hundred (100) words of each additional carbon copy. In every such criminal action, whenever the stenographic and typewriting department shall have been established as provided in this act, there shall be furnished to the presiding judge for use during the progress of the trial, whenever and as promptly as the same

may be practicable, a transcript of the stenographic notes of the proceedings and to the state's attorney and to the defendant each a carbon copy thereof for their use during the trial, and in case of the defendant's conviction, the transcript furnished the presiding judge may be used by the defendant in the preparation of a report of the proceedings to be settled and signed by the judge. In case there are several defendants or groups of defendants represented by different attorneys the court may, in its discretion, cause an additional carbon copy of such transcript to be furnished to the defendants and may make such order with respect to the use thereof as the court may deem proper. In case of the conviction of the defendant the fees for such transcript and carbon copies and for the attendance of the court stenographer shall be taxed as costs in the action against such defendant, to be collected as other costs in the action: *Provided, however,* that the court may, in its discretion, as hereinafter provided, remit the whole or any portion of such costs.

*Ninth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER CRIMINAL ACTIONS.]

For transcribing from stenographic notes proceedings in court in criminal actions in which the punishment may not be death or confinement in the penitentiary, and furnishing the original to the presiding judge, one carbon copy thereof to the state's attorney and one carbon copy thereof to the defendant, eight (8) cents for each one hundred (100) words of the original copy thereof, and when more than two (2) carbon copies are furnished an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy. No transcript of the proceedings shall be made in any such action prior to the entry of final judgment, excepting by the direction of the presiding judge or of the defendant, and in either case the fees therefor shall only be taxed against the defendant in case of his final conviction. When the proceedings are transcribed by the direction of the defendant prior to the entry of final judgment, he shall pay the fees therefor in advance; but in case of his acquittal or

110 discharge he shall, upon application to the court therefor, be entitled to an order  
 111 for the repayment to him, out of the funds of the stenographic and typewriting  
 112 department, of the amount so paid: *Provided, however,* that upon the convic-  
 113 tion of any defendant and the suing out by him of a writ of error in a case in  
 114 which a transcript of the stenographic notes of the proceedings shall not have  
 115 been previously made, it shall be the duty of the court, upon the application of  
 116 the defendant and upon proof that he is a poor person within the meaning of  
 117 this act, to cause to be furnished to such defendant such transcript, together with  
 118 a carbon copy thereof without payment therefor in advance, the fees therefor to  
 119 be taxed as costs against such defendant in case of the affirmance of the judg-  
 120 ment of conviction, or the dismissal of the writ of error.

Sec. 509. USE TO BE MADE OF ORIGINAL AND CARBON COPIES.] When any disposi-  
 2 tion, proceeding before a master, or proceeding in court, provided for by clauses  
 3 fifth, sixth and seventh of the preceding section, is transcribed from stenograph  
 4 ic notes or taken down directly upon a typewriter, the original copy of the deposi-  
 5 tion shall be returned into the proper court, the original copy of the proceed-  
 6 ings, including the taking of testimony, before a master shall be furnished to the  
 7 master and the original copy of proceedings in court, including the taking of  
 8 testimony, shall be furnished the presiding judge and one carbon copy in each  
 9 of said cases, shall be furnished to each party to the action, or to each group of  
 10 parties who shall have entered a separate appearance.

Sec. 510. FEES OF WITNESSES.] The fees of each witness for attending the  
 2 municipal court in any action pending therein shall be one dollar and fifty cents  
 3 (\$1.50) for each day's necessary attendance and, in addition thereto, when the  
 4 witness does not reside in Cook county, an additional sum equal to two dollars  
 5 (\$2) for each ten (10) miles or fraction thereof between the residence of the  
 6 witness and the place where the court is held, the distance in each case men-



tioned in this section to be estimated by the distance of necessary travel by the route most convenient for the witness.

Sec. 511. HOW WITNESSES' FEES PAID.] The fees, including mileage, of witnesses in civil and quasi criminal actions, other than those to recover fines or penalties for the violation of municipal ordinances, or those instituted by the People of the State of Illinois, or in the name of any state, county or municipal officer in his official capacity, shall be paid in first instance by the party calling the witness and each witness whose witness fees have been paid as aforesaid by the party by whom he has been called or who, not having been paid as aforesaid, intends to claim his witness fees, shall, at the demand of the party calling such witness, make his affidavit showing the number of days of necessary attendance and in case he does not reside in Cook county, also the number of miles of necessary travel and deliver the same to the party calling such witness to be filed by such party with the clerk. But no witness in any such case shall be entitled to demand payment of his fees or mileage in advance of the giving of his testimony: *Provided, however,* that when any witness is a poor person, the court may, in its discretion, require the fees or mileage, or both, of such witness to be paid in advance by the party calling such witness. The fees and mileage of a witness in a criminal action, when such witness resides outside of Cook county, shall be paid out of the county treasury of Cook county on the certificate of the clerk of the municipal court: *Provided, however,* that, to entitle such witness to payment as aforesaid he shall make affidavit of the distance traveled: that it was the usually traveled and most direct route, of the number of days' actual attendance, and that such attendance was at the instance of the state's attorney, or the accused or his attorney, to which shall be added the certificate of the judge that the amount is reasonable and that he was a material witness in the action.



Sec. 512. PEOPLE, MUNICIPAL CORPORATIONS, ETC., NOT TO PAY COSTS.] No costs

2 or fees of any kind or character in any action or proceeding in the municipal  
 3 court shall be required to be paid by the People of the State of Illinois, or by  
 4 any municipal corporation, or by any State, county or municipal officer insti-  
 5 tuting or defending any action or proceeding in his official capacity, but in every  
 6 such case, if final judgment is entered against the opposite party to the action,  
 7 and such opposite party is not a municipal corporation, or a State, county or  
 8 municipal officer suing or defending in his official capacity, all the costs of the  
 9 action may, in the discretion of the court, be awarded against such opposite  
 10 party and may be collected by execution or otherwise, and, when so collected,  
 11 shall be paid over to or retained by the proper officers to be accounted for, or  
 12 otherwise disposed of, by them as other costs collected by them, such costs to be  
 13 taxed at the rates fixed by this act for like services in like actions or proceedings  
 14 in which the People of the State of Illinois, or any municipal corporation, or any  
 15 State, county or municipal officer is not a party.

Sec. 513. WHEN ADVANCE COSTS NOT REQUIRED OF DEFENDANT—JUDGMENT FOR

2 costs.] Excepting as may be otherwise expressly provided by this act, no ad-  
 3 vance costs of any kind or character shall be required to be paid in the municipal  
 4 court by any defendant in any criminal action, or any quasi criminal action to  
 5 recover a fine or penalty for the violation of a municipal ordinance, or in any  
 6 quasi criminal action instituted by the People of the State of Illinois, or in the  
 7 name of any State, county or municipal officer in his official capacity, but in  
 8 every such case, if final judgment is entered against the defendant, all the costs  
 9 of the action may, in the discretion of the court, be awarded against such oppo-  
 10 site party and may be collected by execution or otherwise, and, when so collected,  
 11 shall be paid over to or retained by the proper officers to be accounted for or  
 12 otherwise disposed of by them as other costs collected by them, such costs to be  
 13 taxed at the rates fixed by this act.

Sec. 514. WHEN DEFENDANT ENTITLED TO REPAYMENT.] In any civil action brought by the People of the State of Illinois or by any county or other municipal corporation or by any State, county or municipal officer in his official capacity the defendant, in case final judgment is entered in his favor, shall be entitled to repayment by all the officers of court, including court stenographers, of fees or costs paid by him to such officers in such action.

Sec. 515. COSTS REMITTED WHEN.] The municipal court may, in its discretion, order that any part or the whole of the costs in any criminal or quasi criminal action, other than a qui tam action or other action brought in the name or for the benefit of a private individual to recover a statutory penalty, be remitted, in which case the costs ordered to be remitted shall not be taxed against the defendant in case of his conviction.

Sec. 516. PLAINTIFF'S TAXABLE COSTS FOR PREPARING PAPERS.] The plaintiff shall be entitled to have taxed as costs in his favor as compensation for the preparation of the papers to be filed by him as hereinbefore provided for the following sums:

*First*—PRAECIPE—STATEMENT—DISTRESS WARRANT, ETC.—AFFIDAVIT—INTERROGATORIES.] For each praecipe, statement of claim or affidavit of claim, distress warrant and inventory, or interrogatories to garnishee, fifty (50) cents.

*Second*—REPLEVIN OR ATTACHMENT AFFIDAVIT.] For each affidavit in attachment or replevin, one dollar (\$1).

*Third*—ATTACHMENT OR REPLEVIN BOND.] For each bond in attachment or replevin, one dollar (\$1).

Sec. 517. PLAINTIFF'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.] The plaintiff shall be entitled to have taxed as costs in his favor, as compensation for the preparation and service of the copies of papers to be served by him as hereinbefore provided for, for each copy of praecipe, statement of claim, affi-

5   davit of claim, distress warrant and inventory, affidavit in attachment or re-  
 6   plevin, or bond in attachment or replevin, or interrogatories to garnishee, the  
 7   sum of twenty-five (25) cents.

Sec. 518. DEFENDANT'S TAXABLE COSTS FOR PREPARING PAPERS.] The defend  
 2   ant shall be entitled to have taxed as costs in his favor, as compensation for  
 3   the preparation of the papers to be filed by him as hereinbefore provided for,  
 4   the following sums:

5   *First*—APPEARANCE AND SPECIFICATIONS OF DEFENSE.] For each appearance or  
 6   specification of defense or defenses, fifty (50) cents.

7   *Second*—ABATEMENT—AFFIDAVIT.] For each motion and affidavit in abate-  
 8   ment, affidavit of merits, or affidavit denying ground of attachment, one dollar  
 9   (\$1).

Sec. 519. DEFENDANT'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.]  
 2   The defendant shall be entitled to have taxed as costs in his favor as compen-  
 3   sation for the preparation and service of the copies of the papers required to be  
 4   served, as hereinbefore provided for, for each appearance, specification of de-  
 5   fense or defenses, motion and affidavit in abatement, affidavit of merits, or  
 6   affidavit denying the ground of attachment, twenty-five (25) cents.

Sec. 520. PARTY'S STENOGRAPHER'S FEES.] Either party to a civil or quasi  
 2   criminal action, other than one brought by the People of the State of Illinois,  
 3   or by municipal corporation or by any State, county or municipal officer in-  
 4   stituting an action in his official capacity, who shall have ordered and paid for  
 5   the transcribing of proceedings in court, as hereinbefore provided, shall be en-  
 6   titled to have taxed as costs in his favor and against the opposite party the  
 7   amount so paid: *Provided, however,* that no such costs shall be taxed in favor  
 8   of any plaintiff recovering judgment in any action at law brought for the re-



9 recovery of money or personal property, when the amount of money or the value  
 10 of the personal property recovered by him, or the amount so recovered, to-  
 11 gether with any set-off or counter-claim of the defendant defeated, shall not ex-  
 12 ceed one thousand dollars (\$1,000), exclusive of costs; nor shall any such costs  
 13 be taxed in favor of any defendant recovering judgment in any such action un-  
 14 less the plaintiff's claim defeated by such defendant, when the defendant recov-  
 15 ers costs only, or the plaintiff's claim defeated by such defendant, together with  
 16 the amount in money or personal property recovered by such defendant, when  
 17 the defendant recovers money or personal property in addition to costs, exceeds  
 18 one thousand dollars (\$1,000); and *Provided, further*, that no such costs shall be  
 19 taxed against any poor person whose financial circumstances are such as to make  
 20 the payment of such costs unduly burdensome or oppressive, when it appears to  
 21 the satisfaction of the court that such action was prosecuted on defendant by  
 22 such person in good faith. In civil actions other than actions for the recovery of  
 23 money or personal property, the allowance of costs to either party for moneys  
 24 paid for the transcribing of proceedings in court shall be in the discretion of the  
 25 court, such discretion to be exercised as near as may be, in a manner which  
 26 will not make costs in actions involving small amounts of property unduly bur-  
 27 densome to either of the parties. In any civil or quasi criminal action brought  
 28 by the People of the State of Illinois, or by or against any municipal corporation,  
 29 or by or against any State, county or municipal officer instituting or defending  
 30 an action in his official capacity, the other party to the action, upon the entry of  
 31 final judgment in his favor, if he shall have paid for the transcribing of the  
 32 proceedings, or of any portion thereof, shall, upon application to the court there-  
 33 for, be entitled to an order for the repayment to him out of the funds of the  
 34 stenographic and typewriting department of the amount so paid.

Sec. 521. COSTS FOR PREPARING REPORT OF PROCEEDINGS.] The party preparing  
 2 and tendering to a judge for settlement and signature a report of proceedings



3 shall be allowed to have taxed as costs in his favor therefor, in addition to the  
 4 fees, if any, paid by such party to the stenographic and typewriting department  
 5 for a transcript of the stenographic notes of the proceedings, such sum, not less  
 6 than five dollars (\$5) nor more than twenty-five dollars (\$25), as the court may  
 7 deem reasonable and just, the amount so to be allowed to be endorsed upon such  
 8 report by the judge at the time of signing the same: *Provided, however,* that  
 9 no such costs shall be taxed unless such report shall be used in the prosecution  
 10 of an appeal or writ of error.

Sec. 522. COSTS FOR SERVING SUMMONS, ETC., BY PERSON NOT OFFICER.] The  
 2 party procuring the service of any summons, subpoena, garnishee summons,  
 3 citation or order of court when the same is not served by any officer authorized  
 4 by this act to serve the same, shall be entitled to have taxed as costs in his  
 5 favor one-half the fees which would be payable if the same were served by such  
 6 officer.

Sec. 523. COSTS OF GARNISHEE.] Every person summoned as a garnishee, if it  
 2 appear to the satisfaction of the court that he has truly disclosed all of the  
 3 lands, tenements, goods, chattels, moneys, choses in action, credits and effects,  
 4 if any, in his hands belonging to the defendant in the attachment, shall be al-  
 5 lowed out of such lands, tenements, goods and chattels, moneys, choses in action  
 6 and effects, if any, or, if there be none such, then as costs to be taxed in his  
 7 favor against the plaintiff, the following:

8 *First*—PREPARING AND SERVING COPIES OF ANSWERS TO INTERROGATORIES.] For  
 9 preparing and serving copies of answers to interrogatories in an action of at-  
 10 tachment, one dollar (\$1).

11 *Second*—NECESSARY ATTENDANCE.] For necessary attendance for each day or  
 12 fractional day, one dollar and fifty cents (\$1.50).

13       *Third*—WITNESSES' FEES, ETC.] For the fees and mileage of necessary wit-  
14   nesses the same fees and mileage as are allowed other parties to actions in said  
15   court.

Sec. 524. SECURITY FOR COSTS—FORM.] In every action in the municipal  
2 court when the plaintiff or person for whose use the action is to be commenced  
3 shall not be a resident of this State the plaintiff or person for whose use the  
4 action is to be commenced shall, before he institutes such action, file or cause to  
5 be filed with the clerk security for costs substantially in the following form:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|   |              |                     |
|---|--------------|---------------------|
| 7 | John Doe     | } Contract. No. 17. |
|   | v.           |                     |
| 8 | Richard Roe. |                     |

## 9 SECURITY FOR COSTS.

10 I, William Doe, do hereby enter myself as security for all costs which may  
11 accrue in the above entitled action.

12 Dated January 10, 1908.

13 WILLIAM DOE.

Sec. 525. SIGNING AND EFFECT OF SECURITY.] Such instrument shall be signed by some responsible person being a resident of this State, to be approved by the clerk, and shall bind such person to pay all costs which may accrue in such action, either to the opposite party or to any of the officers of the court in which the action is commenced, or to which it is removed by a change of venue, or appeal or writ of error.

Sec. 526. FAILURE TO FILE SECURITY—RIGHT TO SECURITY NOT WAIVED.] If any  
2 such action shall be commenced without filing such instrument in writing, the  
3 court, on motion, shall dismiss the same and the attorney of the plaintiff shall  
4 pay all the costs accruing thereon, unless the security for costs shall be filed  
5 within such time as shall be allowed by the court, and when so filed it shall relate

6. back to the commencement of the action. The right to require security for costs  
7 in any such case shall not be deemed waived by any proceeding in the action.

Sec. 527. CASH DEPOSIT IN LIEU OF SECURITY—FORM OF CERTIFICATE.] In lieu  
2 of the filing of security for costs, as provided for in the preceding three sections  
3 the party required to give security may deposit with the clerk the sum of twenty-  
4 five dollars (\$25) as such security and may thereafter make such further depos-  
5 its of cash as such security, from time to time, as the court may deem reason-  
6 able, and in case judgment is rendered against the plaintiff or person for whose  
7 use the action is commenced, such deposit or deposits shall be applied, under the  
8 direction of the court, towards the payment of the costs recovered by the de-  
9 fendant, and such other costs as the plaintiff, or person for whose use the action  
10 is commenced, may be required to pay. Upon the deposit of any sum as cash  
11 security, the clerk shall issue to the person making the same a certificate of de-  
12 posit in substantially the following form:

13 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

14 John Doe                     }  
15       v.                        } Contract. No. 17.  
16 Richard Roe.

16 CERTIFICATE OF DEPOSIT.

17 This is to certify that the undersigned, clerk of the municipal court of Chi-  
18 cago, Illinois, has this day received from John Doe, the plaintiff in the above en-  
19 titled action, twenty-five dollars (\$25) as security for costs.

20 Dated January 10, 1908

21 JOHN SMITH, *Clerk.*

Sec. 528. PARTY BECOMING NON-RESIDENT.] If, at any time after the com-  
2 mencement of any action by a resident of this State, he shall become a non-  
3 resident, it shall be the duty of the court, on motion of the defendant or any  
4 officer of the court, to rule the plaintiff, on or before the day in such rule named,  
5 to give security for the payment of costs in such action. If such plaintiff shall

6 neglect or refuse, on or before the day in such rule named, to file an instrument  
 7 in writing of some responsible person, being a resident of this State, whereby  
 8 he shall bind himself to pay all costs which have accrued or may accrue in such  
 9 action, or to make a cash deposit in lieu thereof, the court shall, on motion, dis-  
 10 miss the action.

Sec. 529. SUCCESSFUL PARTY TO RECOVER COSTS—EXCEPTIONS.] In every action  
 2 at law or special proceeding in the municipal court the party finally successful  
 3 therein shall recover all his costs of the action from the unsuccessful party, with  
 4 the following exceptions:

5 *First*—COSTS ORDERED PAID DURING PENDENCY OF ACTION.] The court may, in  
 6 its discretion, during the pendency of an action, order the payment of costs by  
 7 one party to the other party or to an officer of the court, or may otherwise im-  
 8 pose the payment of such costs, as hereinbefore provided, and the costs paid in  
 9 pursuance of such order shall not be recovered by the party paying the same.

10 *Second*—COSTS OF APPEAL OR WRIT OF ERROR TO ABIDE EVENT WHEN.] When,  
 11 upon the prosecution of any appeal or writ of error, any order, judgment or  
 12 decree is reversed, in whole or in part, or modified, and the cause is remanded  
 13 for a further hearing, the costs incurred by the party prosecuting such appeal  
 14 or writ of error shall abide the final event of the action and shall only be recov-  
 15 ered by the party prosecuting such appeal or writ of error in case the final judg-  
 16 ment or decree rendered in the action shall be in his favor, and then only to such  
 17 extent as the municipal court may deem equitable and just.

18 *Third*—ACTIONS IN NAME OF PEOPLE, MUNICIPAL CORPORATIONS, ETC.] In any  
 19 action or proceeding commenced for and on behalf of the people of this State, or  
 20 the Governor thereof, or for or on behalf of any county or other municipal cor-  
 21 poration in this State, or in the name of any person for the use of the people  
 22 of this State or any county or municipal corporation, no costs shall be recovered  
 23 by the opposite party. In case the plaintiff shall be finally successful in any



24 such action, there shall be taxed against the defendant and collected as a part  
 25 of the judgment or decree all the costs of the action which would be payable to  
 26 the officers of the court, if such action were one between individuals suing or  
 27 defending in their individual capacities, and the costs so collected shall be paid  
 28 to the proper officers, but in case the defendant shall be finally successful in  
 29 such action, no costs of any kind shall be taxed or paid, and the defendant shall  
 30 be repaid by all the officers of the court all costs paid by him to such officers.

31 *Fourth—ACTIONS AGAINST MUNICIPAL CORPORATIONS.]* In any action or pro-  
 32 ceeding brought by any person or corporation against any county or other mu-  
 33 nicipal corporation, the plaintiff, if finally successful, shall not recover any judg-  
 34 ment for costs against the defendant, but all costs paid by the plaintiff to the offi-  
 35 cers of the court in such action shall be refunded to the plaintiff by order of the  
 36 court in which the action is determined. In case the defendant shall be finally  
 37 successful, there shall be taxed against the plaintiff and collected as a part of  
 38 the judgment all the costs of the action which would have been payable by the  
 39 defendant to the officers of the court if the defendant were an individual defend-  
 40 ing in his individual capacity, and the costs so collected shall be paid to the  
 41 proper officers.

42 *Fifth—ACTIONS IN EQUITY.]* In actions in equity it shall be in the discretion  
 43 of the court to award costs or not, and the court in any such action may appor-  
 44 tion the costs thereof among the parties thereto in such manner as may seem  
 45 equitable and just.

46 *Sixth—JURY COSTS WHEN ACTION NOT TRIED BY JURY.]* When either party to  
 47 an action shall have filed a demand in writing of a trial by jury and shall have  
 48 paid the costs therefor, and such action shall be disposed of without a trial by  
 49 jury, the party having paid such costs shall not recover the same from the oppo-  
 50 site party.

51 *Seventh—POOR PERSONS.]* When the party against whom a final judgment  
 52 or decree may be rendered is a poor person whose financial circumstances, as

53 made to appear to the court, are such that the payment of costs would be un-  
 54 duly burdensome or oppressive, and it shall appear to the satisfaction of the  
 55 court that the action was commenced and prosecuted, or defended, as the case may  
 56 be, by such person in good faith, no judgment for costs shall be rendered against  
 57 such poor person.

Sec. 530. PARTY TO FILE BILL OF COSTS—VERIFICATION—NOTICE—FORM OF BILL  
 2 OF COSTS.] Within ten days after the entry of any final order, judgment or decree  
 3 awarding costs, and before the issuance of any execution thereon, the party to  
 4 whom costs are awarded by such final order, judgment or decree shall file with  
 5 the clerk a bill of his costs in the action. Such bill shall specify the court in  
 6 which the action is pending, and the title, classification and number of the action,  
 7 and shall thereafter set forth each item of costs to which such party may claim  
 8 to be entitled, whether the same was paid or accrued in the municipal court or  
 9 in a court of appellate jurisdiction. Such bill shall be verified by the affidavit of  
 10 such party or his attorney and a copy thereof shall be served upon the party  
 11 against whom the costs are claimed, if such party shall have entered his appear-  
 12 ance in the action, and proof of such service shall be filed with the bill. In case  
 13 neither party to be served, nor his attorney, or one of his attorneys, resides in  
 14 the city in which the court is held, such service may be made by registered letter  
 15 directed either to the party to be served or to his attorney. The following form  
 16 of bill of costs shall be deemed sufficient and shall be taken as furnishing sug-  
 17 gestions from which other bills of costs may be properly framed:

18 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|    |              |                     |
|----|--------------|---------------------|
| 19 | John Doe     | } Replevin. No. 75. |
|    | v.           |                     |
| 20 | Richard Roe. |                     |

## PLAINTIFF'S BILL OF COSTS.

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PLAINTIFF'S BILL OF COSTS.

1908.

Feb. 2 Clerk's fees at commencement of action .....\$ 8.00

Feb. 2 Preparing praecipe ..... .50

Feb. 2 Preparing affidavit ..... 1.00

Feb. 2 Preparing bond ..... 1.00

Feb. 6 Preparing and serving copy of praecipe ..... .25

Feb. 6 Preparing and serving copy of affidavit ..... .25

Feb. 6 Preparing and serving copy of bond ..... .25

Feb. 6 Sheriff's fees for serving and executing writ ..... 2.00

Feb. 15 Clerk's fees for execution.... . 1.00

Total..\$14.25

Henry Jones on his oath says that he is the attorney of the plaintiff in the

above entitled action and that the foregoing bill of costs is true and correct.

HENRY JONES.

Subscribed and sworn to before me this 24th day of February, 1908.

JOHN SMITH, Clerk.

Sec. 531. CLERK TO TAX COSTS ACCORDING TO BILL—EXCEPTION.] The clerk shall tax the costs as set forth in such bill of costs unless, from an inspection thereof, it shall appear to the clerk that the items therein are in excess of the amounts provided by law, or unless the clerk shall have reason to believe that any item or items therein are fictitious, in which case the clerk shall notify such party of his refusal to tax such bill of costs.

Sec. 532. APPLICATION TO COURT.] Whenever the clerk shall refuse to tax a bill of costs filed as aforesaid, or any item therein, the party having filed such bill may, upon notice to the opposite party, apply to the court for an order that the same may be taxed, and the court, upon a hearing of such application, shall make such order as justice may require.

Sec. 533. RETAXING COSTS.] Any party against whom any bill of costs is taxed as aforesaid may, upon notice to the opposite party, move the court to re-

3 tax the costs, and, upon the hearing of such motion, the court may make such or-  
4 der as justice may require.

Sec. 534. AMOUNT OF COSTS NOT TO BE SPECIFIED IN JUDGMENT, ETC.] It shall  
2 be unnecessary in any order, judgment or decree to specify the amount of the  
3 costs which may be awarded against the party against whom an order, judgment  
4 or decree is rendered, but it shall be sufficient that the costs be taxed as afore-  
5 said and upon the issuance of execution the amount thereof shall be inserted in  
6 the execution. In every such case, as well as upon supplementary or other pro-  
7 ceedings to enforce the order, judgment or decree, the taxation of the costs by  
8 the clerk shall be deemed and taken as a part of such order, judgment or decree.

Sec. 535. OBJECTION TO BILL OF COSTS—WHEN TO BE MADE.] A party against  
2 whom costs are taxed shall, if he or his attorney shall have received a copy of  
3 the bill of costs as hereinbefore provided, be bound to object thereto within five  
4 days thereafter, or, in default of such objection, shall be bound by such taxation  
5 of costs.

Sec. 536. COSTS NOT RECOVERABLE BY OPPOSITE PARTY—HOW COLLECTED.] Costs  
2 to be paid by either party to any officer of the court or to the stenographic and  
3 typewriting department, and not recoverable by the opposite party, shall be  
4 taxed by the clerk and the clerk shall issue a fee bill and execution therefor, or  
5 the payment of the same may be enforced by attachment, or in such other manner  
6 as may be provided by this Act

Sec. 537. POOR PERSONS.] In any action or proceeding in the municipal  
2 court the court may, in its discretion, order that an advance payment of costs  
3 may be waived in favor of any poor person whose financial circumstances, as  
4 made to appear to the court, are such that such advance payment would be unduly  
5 burdensome and oppressive.



Sec. 538. QUESTIONS PRESERVED IN CERTAIN ACTIONS FOR REVIEW WITHOUT RE-

2 PORT OF PROCEEDINGS.] The following questions, and no others, in any action,  
3 other than a criminal action, a quasi-criminal action commenced by warrant or  
4 a special proceeding, shall be deemed sufficiently preserved for review upon ap-  
5 peal or writ of error without any report of the proceedings settled and signed  
6 by the presiding judge:

7 *First*—VALIDITY OF FINAL ORDER, ETC., ON ITS FACE.] The validity of a final  
8 order, judgment or decree when determined upon the face of such order, judg-  
9 ment or decree alone.

10 *Second*—ORDER AS TO DEMURRER OR EXCEPTIONS.] The action of the court in  
11 sustaining or overruling any demurrer or exceptions to any pleading, in an ac-  
12 tion in which there are written pleadings: *Provided, however*, that no such ac-  
13 tion of the court in relation to a demurrer shall be reviewable when, after the  
14 sustaining of a demurrer to any pleading, such pleading is amended, or when,  
15 after the overruling of any demurrer to any pleading, the party demurring files  
16 a plea, replication, or other pleading subsequent to the pleading the demurrer to  
17 which has been overruled.

18 *Third*—WHETHER ORDER, ETC., IS AUTHORIZED BY PLEADINGS.] The question  
19 whether a final order, judgment or decree is one authorized by the pleadings, in  
20 a case in which there are written pleadings, and no master's report accompan-  
21 ied by evidence and no report of the proceedings settled and signed by the pre-  
22 siding judge.

23 *Fourth*—JURISDICTION OF SUBJECT MATTER OR OF PERSON.] The question  
24 whether a final order, judgment or decree is rendered in an action in which the  
25 court has jurisdiction of the subject matter and of the persons of the parties.

26 *Fifth*—PROPRIETY OF MASTER'S REPORT OR DECREE ENTERED THEREON.] The  
27 question whether a master's report is sustained by the evidence accompanying  
28 the same, or is regular and valid on its face, or whether a final order or decree

29 entered upon such report is in accordance therewith, or in accordance with the  
30 evidence accompanying the same.

Sec. 539. QUESTIONS PRESERVED IN CRIMINAL ACTION WITHOUT REPORT OF PRO-  
2 CEEDINGS.] The following questions, and no others, in any criminal action shall  
3 be preserved for review upon writ of error without any report of the proceed-  
4 ings settled and signed by the presiding judge:

5 *First*—VALIDITY OF INDICTMENT, ETC., ON ITS FACE.] The validity of the in-  
6 dictment or information, when determined solely from the indictment or informa-  
7 tion itself.

8 *Second*—WHETHER JUDGMENT IS AUTHORIZED BY INDICTMENT, ETC.] The ques-  
9 tion whether the final judgment is one authorized by the indictment or informa-  
10 tion.

Sec. 540. QUESTIONS PRESERVED IN QUASI CRIMINAL ACTION WITHOUT REPORT OF  
2 PROCEEDINGS.] The following questions, and no others, in any quasi-criminal ac-  
3 tion commenced by warrant shall be preserved for review upon appeal or writ of  
4 error without any report of the proceedings settled and signed by the presiding  
5 judge.

6 *First*—VALIDITY OF COMPLAINT UPON ITS FACE.] The validity of the complaint  
7 upon which the warrant has issued, when determined from the complaint itself.

8 *Second*—WHETHER JUDGMENT AUTHORIZED BY COMPLAINT.] The question  
9 whether the final judgment is one authorized by the complaint.

Sec. 541. QUESTIONS PRESERVED IN OTHER ACTIONS WITHOUT REPORT OF PROCEED-  
2 INGS.] In actions and proceedings not included within those specified in the  
3 three preceding sections there shall be preserved for review upon appeal or writ  
4 of error, without any report of the proceedings settled and signed by the pre-  
5 siding judge, all questions which have heretofore been preserved for review

6 without any bill of exceptions or certificate of evidence, until otherwise provided  
7 as specified in the succeeding section.

Sec. 542. SUPREME COURT TO MAKE RULE.] It shall be the duty of the su-  
2 preme court, as soon after the taking effect of this act as may be practicable, to  
3 prescribe by rule what questions in the actions and proceedings referred to in the  
4 preceding section shall be preserved for review without any report of the proceed-  
5 ings settled and signed by a judge.

Sec. 543 BILL OF EXCEPTIONS AND CERTIFICATE OF EVIDENCE ABOLISHED—RE-  
2 PORT OF PROCEEDINGS.] Bills of exceptions in actions at law and certificates of  
3 evidence in actions in equity are hereby abolished. In lieu of the signing and  
4 sealing of a bill of exceptions in an action at law, or the signing of a certificate  
5 of evidence in an action in equity, as heretofore, it shall be the duty of the judge  
6 before whom any proceedings have been had in any action or proceeding,  
7 whether civil, quasi-criminal or criminal, at any time within sixty days after the  
8 entry in the court of an order, judgment or decree in such action subject to re-  
9 view upon appeal or writ of error, or within such further time as may be allowed  
10 by the court upon application therefor within such sixty days or within the  
11 period of any extension of time thereafter granted, when either party shall so  
12 request, to sign a report of such proceedings, which report, when so signed and  
13 filed, shall become a part of the record in such action. Such report shall contain  
14 such a statement with respect to such proceedings as shall enable the supreme  
15 court, or the appellate court, as the case may be, to properly review such decis-  
16 ions of the lower court as are authorized by this act to be reviewed, and which  
17 cannot be reviewed without such report, and as either of the parties may desire  
18 to have reviewed. It shall be prepared by the party who may desire a review  
19 of the proceedings and shall be tendered to the judge for his signature within the  
20 time above specified: *Provided, however,* that in case of the absence of the



21 judge from the city of Chicago or his incapacity to act, such tender may be  
 22 made to the clerk and the clerk shall endorse thereon a certificate of such tender  
 23 and the same shall have the same force and effect as if such tender was made to  
 24 the judge.

Sec. 544. WHAT MAY BE INCLUDED IN REPORT—CONDENSATION.] Either party  
 2 to an action tendering a report shall have the right to cause to be inserted  
 3 therein, at his option, a full and complete report of the proceedings sought to  
 4 be reviewed, including a stenographic report, if the proceedings or any portion  
 5 thereof be taken down stenographically, of all evidence introduced, all argu-  
 6 ments of counsel, all remarks of the presiding judge, all charges or instruc-  
 7 tions to juries, and all rulings made by the court during the progress of the  
 8 proceedings, or he may, with the approval of the presiding judge, omit from  
 9 such report such portions of the proceedings as, in the opinion of the presid-  
 10 ing judge, are unnecessary to be embodied in the report for the proper review  
 11 of the decisions of the court, or he may condense said report into such a state-  
 12 ment respecting the proceedings and the decisions of the court during the pro-  
 13 gress thereof as, in the opinion of the presiding judge, will properly and fairly  
 14 present such decisions for review: *Provided, however,* that in any case in  
 15 which the evidence introduced upon the trial or hearing shall have been taken  
 16 down stenographically and the same, if transcribed, would not exceed ten thou-  
 17 sand words, the court shall not permit a condensation thereof in a report of the  
 18 proceedings against the objection of any party in the action.

Sec. 545. OPPOSITE PARTY MAY HAVE MATTERS INSERTED.] When any such  
 2 report is tendered to the judge by any party to the action, any other party to  
 3 the action shall have the right to have inserted in the same any other deci-  
 4 sions of the court and its proceedings pertaining thereto not included in such  
 5 report, which such party may desire to have reviewed by the Supreme Court



6 or Appellate Court. A party to the action, within the meaning of this section,  
 7 and all other sections of this Act pertaining to reports, shall be deemed to in-  
 8 clude any person interested in such action and who, by the provisions of this  
 9 Act, has the right to prosecute any appeal or writ of error to review an or-  
 10 der, judgment or decree entered therein.

Sec. 546. SUPPLEMENTAL OR ADDITIONAL REPORT BY OPPOSITE PARTY.] When  
 2 there is tendered to and signed by the judge, upon the application of any  
 3 party to the action, a report which is not a full and complete report of the  
 4 proceedings, including so much thereof as has been taken down stenographi-  
 5 cally, any other party to the action than the one by whom such report has been  
 6 prepared and tendered may, within ten days after notice of the signing of such  
 7 report, or within such further time as may be allowed therefor by the judge,  
 8 tender for the signature of the judge an additional report, which may be  
 9 either a full and complete report of the proceedings, including so much there-  
 10 of as may have been taken down stenographically, or a supplemental report  
 11 embracing such matters as may have been omitted from the original report,  
 12 and it shall be the duty of the presiding judge, if such additional or supple-  
 13 mental report be found to be correct, to sign the same and the same shall  
 14 thereupon be filed as a part of the record in the action. When such additional  
 15 report is a full and complete report of the proceedings, including so much as  
 16 has been taken down stenographically, it shall supercede the previous report and  
 17 shall be the only report to be considered upon the determination of an appeal  
 18 or writ of error.

Sec. 547. EXCEPTIONS UNNECESSARY.] It shall not be necessary, in any  
 2 report, to set forth an exception to any ruling of the court, but every such rul-  
 3 ing which appears to have been made against the objection or contrary to the  
 4 contention of the party complaining thereof, and which is authorized by this

5 Act to be reviewed, shall be subject to such review by the supreme court, or ap-  
6 pellate court as the case may be.

Sec. 548. JUDGE NOT TO OMIT MATTER ACTUALLY OCCURRING WHEN.] No  
2 judge shall be at liberty, before signing any report, to cause to be omitted there-  
3 from, without the consent of the party tendering the same, any portion thereof  
4 which correctly sets forth a matter actually occurring before such judge.

Sec. 549. JUDGE TO NOTE TENDER OF REPORT.] Whenever any report shall  
2 be tendered to a judge it shall be his duty to endorse thereon and sign a min-  
3 ute of such tender and of the date thereof.

Sec. 550. REPORT TO BE TENDERED OPPOSITE PARTY FOR INSPECTION—DUTY OF  
2 OPPOSITE PARTY.] Immediately upon the tender of any report to the judge the  
3 party tendering such report shall deliver the same for inspection to the oppo-  
4 site party or to his attorney, who shall give his receipt therefor and whose duty  
5 it shall be, by a separate document, to note his objections thereto and all  
6 changes therein or objections thereto which he may desire to have made and  
7 return such report, with said objections and proposed changes and additions,  
8 to the party by whom said report has been tendered within five days after hav-  
9 ing received the same, unless further time for returning the same shall be al-  
10 lowed by the party who has tendered the same or by the court: *Provided*,  
11 *however*, that in case of a report of proceedings pertaining to an interlocutory  
12 order, the party tendering such report shall have the right to have the same  
13 settled and signed by the judge without delay.

Sec. 551. DUTY OF JUDGE—SIGNING REPORT—CORRECTIONS.] In case such re-  
2 port shall be agreed upon by the parties or no objection shall be made thereto  
3 by the party to whom the same has been delivered for inspection, the judge  
4 shall sign the same, unless, upon inspection thereof, he shall be satisfied that

5 the same is incorrect, in which case he shall correct the same so as to make it  
6 conform to the truth and shall thereupon sign it, but no such correction shall  
7 be made by the judge without notice to or the knowledge of the parties.

Sec. 552. JUDGE TO SETTLE DIFFERENCES.] In case the parties are unable to  
2 agree with respect to the report the differences between them shall be sub-  
3 mitted to the judge who shall thereupon settle and sign the report.

Sec. 553. COSTS.] The party preparing any report or supplemental report  
2 signed by the judge shall be entitled to have taxed as costs in his favor the ex-  
3 pense of preparing the same to be fixed by the judge and endorsed upon such  
4 report: *Provided, however, that the allowance made by the judge for such*  
5 *expense shall not in any case be less than five dollars (\$5) nor more than*  
6 *twenty-five dollars (\$25) and that the same shall not be estimated from the*  
7 *length of such report, but from the amount of work necessarily and properly*  
8 *performed in the preparation thereof, and all such costs shall abide the final*  
9 *event of the action.*

Sec. 554. CORRECTIONS OF DEFECTIVE REPORT IN SUPREME COURT OR APPELLATE  
2 COURT.] Whenever, upon the prosecution of an appeal or writ of error, it shall  
3 be made to appear to the supreme court, or to the appellate court, as the case  
4 may be, that any report is defective and that by reason thereof the right and  
5 justice of the case cannot be determined therefrom, it shall have power to di-  
6 rect that such report be corrected or a new report made by the judge before  
7 whom the proceedings were had, provided that no more than two years shall  
8 have elapsed since the making of such original report.

Sec. 555. DEATH OR DISABILITY OF JUDGE—SETTLEMENT OF REPORT.] In case  
2 the judge before whom any proceeding has heretofore been or may hereafter  
3 be heard is, by reason of death, sickness or other disability, unable to settle



4 and sign a report of such proceedings, any other judge of the court may settle and  
 5 sign such report whenever he shall be satisfied, either from a stenographic re-  
 6 port of the proceedings or by other sufficient means, that he can make a cor-  
 7 rect and just report of such proceedings, and any such report so made shall  
 8 have the same force and effect as if settled and signed by the judge before  
 9 whom such proceedings have been had.

Sec. 556. WHEN REPORT PRESUMED TO CONTAIN ALL THE EVIDENCE.] Every  
 2 report purporting to contain evidence introduced during the proceedings re-  
 3 ported shall be presumed to contain all the evidence introduced during such  
 4 proceedings and pertaining thereto, unless the contrary affirmatively appears  
 5 from the report.

Sec. 557. PRESUMPTION IN FAVOR OF PARTY COMPLAINING ON APPEAL OR ER-  
 2 ROR.] In every action at law tried by jury or by the court without a jury, the  
 3 verdict of the jury or the finding of the court, as the case may be, and the judg-  
 4 ment thereon, shall be presumed to have been rendered, made or entered  
 5 against the objection of the party complaining thereof upon appeal or writ of  
 6 error, unless the contrary shall affirmatively appear from the record or from  
 7 such report, and in every action in equity every order or decree entered by the  
 8 court, either upon a master's report or upon a hearing without a master's re-  
 9 port, shall be presumed to have been entered against the objection of the party  
 10 complaining thereof upon appeal or writ of error, unless the contrary shall  
 11 affirmatively appear from the record or from such report.

Sec. 558. REPORT TO BE LIBERALLY CONSTRUED IN FAVOR OF PARTY COMPLAIN-  
 2 ING.] Every report shall be liberally construed to enable the party prosecut-  
 3 ing an appeal or writ of error to obtain relief in the supreme court or appel-  
 4 late court, as the case may be, against errors in matters of substance, and no  
 5 presumption shall be indulged to aid in sustaining a decision which would



6 otherwise appear to be contrary to law or contrary to the law and the evi-  
7 dence.

Sec. 559. PURPOSE OF REPORT—LIBERAL CONSTRUCTION.] The purpose of  
2 every report shall be to present the proceedings of the court in such manner  
3 as shall enable the supreme court or appellate court, as the case may be, to  
4 properly review the same and to render or cause to be rendered such decision  
5 with respect thereto as the law and the evidence require, or as the court in  
6 which the proceedings were had should have rendered, and every such report  
7 shall be liberally construed to accomplish such purposes.

Sec. 560. JURISDICTION OF APPELLATE COURT TO REVIEW ORDERS, ETC., OF MUNI-  
2 CIPAL COURT.] The appellate court of the first district shall, excepting as may be  
3 otherwise expressly provided in this Act, have the following jurisdiction over the  
4 municipal court:

5 *First*—FINAL ORDERS, JUDGMENTS AND DECREES.] Jurisdiction of appeals  
6 from and writs of error to the municipal court to review the final orders,  
7 judgments and decrees of said court, other than those of which the supreme  
8 court is given appellate jurisdiction by clause third of the succeeding section,  
9 which appeals to and writs of error from the appellate courts may be prose-  
10 cuted as a matter of right.

11 *Second*—INTERLOCUTORY ORDERS.] Jurisdiction of appeals from the munici-  
12 pal court to review all interlocutory orders, judgments and decrees of said  
13 court, other than those of which the supreme court is given appellate jurisdic-  
14 tion by clause fourth of the succeeding section, such appeals to be allowed in  
15 the discretion of the municipal court or of the appellate court, excepting that  
16 such appeals may be taken as a matter of right for the purpose of reviewing  
17 the following interlocutory orders:

18 *a*—INJUNCTIONS.] Every order granting or refusing to grant an injunc-  
19 tion, or dissolving or refusing to dissolve an injunction previously granted, or

20 modifying or changing, or refusing to modify or change, an injunction order  
21 previously granted.

22 *b*—RECEIVERS.] Every order appointing or refusing to appoint a receiver,  
23 or vacating or refusing to vacate an order appointing a receiver, or modifying  
24 or changing, or refusing to modify or change, an order previously granted for  
25 the appointment of a receiver.

26 *c*—RECEIVERSHIP ORDERS OF SALE, ETC.] Every order directing the payment  
27 of money by any receiver, or a sale or disposition by any receiver of any prop-  
28 erty, or approving or refusing to approve, in whole or in part, any account of  
29 any receiver.

30 *d*—NEW TRIALS.] Every order granting a new trial in any action, whether  
31 tried by jury or by the court without the intervention of a jury, when such new  
32 trial is granted because, in the opinion of the municipal court, the verdict of the  
33 jury or the finding of the court is contrary to the evidence, or errors of law  
34 have been committed by the trial court during the progress of the trial.

Sec. 561. JURISDICTION OF SUPREME COURT TO REVIEW ORDERS, ETC., OF MUNI-  
2 CIPAL COURT.] The supreme court shall have the following appellate juris-  
3 diction over the municipal court:

4 *First*—APPELLATE JURISDICTION TO REVIEW FINAL ORDERS OF MUNICIPAL COURT.]  
5 Appellate jurisdiction to review, by appeal or writ of error, the final orders,  
6 judgments and decrees of the municipal court in the following actions and pro-  
7 ceedings:

8 *a*—STATUTE.] Every action or proceeding involving the validity of any  
9 statute of this State or of the United States.

10 *b*—STATE OR FEDERAL CONSTITUTION.] Every action or proceeding involving  
11 the construction of the constitution of this State or of the constitution of the  
12 United States.

13 *c*—FEDERAL QUESTIONS.] Every action or proceeding involving any ques-  
 14 tion the decision of which either party to the action may be entitled to have re-  
 15 viewed upon writ of error by the supreme court of the United States.

16 *d*—JURISDICTION.] Every action or proceeding involving the jurisdiction  
 17 of the municipal court over the subject matter of an action.

18 *e*—CRIMINAL.] Every criminal action.

19 *f*—QUO WARRANTO.] Every quo warranto action.

20 *g*—MANDAMUS.] Every mandamus action.

21 *h*—HABEAS CORPUS.] Every habeas corpus action.

22 *i*—FRANCHISE.] Every action or proceeding involving a franchise.

23 *j*—FREEHOLD.] Every action or proceeding involving a freehold.

24 *k*—REVENUE.] Every action or proceeding relating to the revenue.

25 *l*—STATE INTERESTED.] Every action or proceeding in which the State is  
 26 interested as a party or otherwise.

27 *m*—JURY CASES INVOLVING OVER \$1,000.] Every action at law for the recov-  
 28 ery of money only or personal property only, or both, tried by jury, when the  
 29 amount in controversy in the supreme court, exclusive of interest and costs,  
 30 exceeds one thousand dollars (\$1,000.)

31 *n*—Every eminent domain action.

32 *Second*—APPELLATE JURISDICTION TO REVIEW INTERLOCUTORY ORDERS OF MUNICI-  
 33 PAL COURT.] Appellate jurisdiction to review by appeal the interlocutory or-  
 34 ders, judgments and decrees of the municipal court in actions in which the  
 35 State is interested as a party or otherwise and actions involving the validity  
 36 of a statute of this State or of the United States or the construction of the con-  
 37 stitution of this State or of the United States.

Sec. 562. NO OTHER COURT TO HAVE APPELLATE JURISDICTION OVER MUNICI-  
 2 PAL.] No other court than the supreme court and the appellate court of the

3 first district shall have jurisdiction of appeals from or writs of error to the  
4 municipal court.

Sec. 563. PRACTICE UPON APPEAL FROM OR WRIT OF ERROR TO MUNICIPAL  
2 COURT.] The practice in cases of appeals from and writs of error to the munici-  
3 pal court, excepting as is in this Act otherwise provided, shall be the same, as  
4 near as may be, as in cases of appeals from and writs of error to circuit courts  
5 in similar cases.

Sec. 564. WHEN AUTHENTICATED RECORD TO BE FILED.] An authenticated  
2 record of a final order, judgment or decree appealed from shall be filed in the  
3 office of the clerk of the supreme court or of the appellate court, as the case may  
4 be, within forty (40) days after the entry of such final order, judgment or de-  
5 cree, unless the municipal court, by an order applied for within said forty (40)  
6 days, shall grant further time for the filing of the same, or unless additional  
7 time for the filing of the same shall be allowed by the supreme court or the ap-  
8 pellate court, as the case may be.

Sec. 565. FAILURE TO FILE AUTHENTICATED RECORD TO BE ABANDONMENT OF AP-  
2 PEAL.] In case the authenticated record of a final order, judgment or decree ap-  
3 pealed from shall not be filed in the office of the clerk of the supreme court or  
4 appellate court, as the case may be, within the time specified in the preceding  
5 section such appeal shall be deemed abandoned: *Provided, however,* that when  
6 the failure to file such authenticated record within the time thus specified shall  
7 appear to have been the result of accident or mistake the court appealed to may,  
8 in its discretion, permit the filing of the same after the lapse of the time so  
9 specified.

Sec. 566. MANNER OF MAKING UP AUTHENTICATED RECORDS—FORM OF CERTIFI-  
2 CATE.] Upon the perfecting of any appeal from or the suing out of any writ of  
3 error to the municipal court, and, in the case of a writ of error, the filing of



4 the same with the clerk of such court, the clerk of such court shall prepare  
5 or cause to be prepared the authenticated record which shall consist of the fol-  
6 lowing:

7 *First*—STATEMENT.] A statement setting forth that the papers composing  
8 the authenticated record are the record of the proceedings of the municipal court  
9 in the action. Such statement may be in substantially the following form:

10 RECORD OF THE PROCEEDINGS OF THE MUNICIPAL COURT OF  
11 CHICAGO, ILLINOIS.

---

12 John Doe        }  
13        v.                } Contract. No. 25.  
14 Richard Roe.        }

14 APPEAL BY DEFENDANT.

15 *Second*—ENTRIES IN REGISTER AND MINUTE BOOK.] A copy of all the entries  
16 upon the register and minute book pertaining to the action, including the names  
17 of the parties thereto and the classification and number thereof, and the entries  
18 as to papers filed, writs issued and orders entered.

19 *Third*—ORIGINAL FILES.] The originals of all papers filed in the action  
20 which, by the provisions of this Act, constitute a part of the record of the ac-  
21 tion.

22 *Fourth*—ORIGINAL DRAFTS OF ORDERS, ETC.] The originals of all drafts of or-  
23 ders, judgments or decrees, whether interlocutory or otherwise, signed by any  
24 judge, and which have not been spread at large upon the record.

25 *Fifth*—ORDERS ENTERED OF RECORD.] Copies of all orders, judgments and de-  
26 crees which have been spread at large upon the record: *Provided, however,*  
27 that when such orders, judgments and decrees exceed five in number copies of  
28 only such number thereof shall be inserted in the authenticated record as may  
29 be required by the party prosecuting the appeal or writ of error.

30 *Sixth*—CERTIFICATE OF CLERK.] A certificate of the clerk that such papers  
31 are the originals or copies as aforesaid, which certificate shall also recite that

an appeal has been perfected or a writ of error filed, giving the date of such perfecting or filing. The following form of certificate shall be deemed sufficient and shall be taken as furnishing suggestions from which other certificates may be properly framed:

IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

|              |                     |
|--------------|---------------------|
| John Doe     | } Contract. No. 25. |
| v.           |                     |
| Richard Roe. |                     |

I, John Smith, clerk of the municipal court of Chicago, Illinois, do hereby certify that the annexed papers, are, *first*, a copy of all entries upon the register and minute book; *second*, the originals of all papers filed and constituting a part of the record; *third*, the originals of all drafts of orders, judgments and decrees, signed by any judge and which have not been spread at large upon the record; and, *fourth*, copies of all orders, judgments and decrees which have been spread at large upon the record, in the above entitled action, and that an appeal in said action to the supreme court was duly perfected by the defendant on the 10th day of February, 1908.

Witness my hand and the seal of said court this 24th day of February, 1908.

JOHN SMITH, *Clerk*.

NOTE 1.

When the authenticated record does not contain all of the orders, judgments and decrees spread at large upon the record in the action the above certificate may be varied from by inserting after the words "record in the above entitled action," the words "other than those which I have been directed to omit herefrom."

NOTE 2.

When the authenticated record is prepared in pursuance of a writ of error, the above certificate may be varied from by inserting in lieu of the words "and that an appeal in said action to the supreme court was duly perfected by the defendant on the 10th day of February, 1908," the words "and that a writ of error in said action was duly filed by the defendant on the 10th day of February, 1908."

Sec. 567. PLACITA ABOLISHED—PRESUMPTION OF REGULARITY.] It shall be

unnecessary to prefix or attach to any authenticated record the form of placita

heretofore in use, but without such placita it shall be presumed that the municipal court was properly organized and constituted, that it was held at the proper time and in the proper place and that its proceedings were in all respects regular and legal, unless the contrary shall affirmatively appear from the record.

Sec. 568. AUTHENTICATED RECORD TO BE TRANSMITTED TO CLERK OF COURT APPEALED TO.] The record so prepared, when the clerk's fees in this Act provided for shall have been paid, shall be transmitted by the clerk to the clerk of the court appealed to within the time required by this Act. Before transmitting the same as aforesaid the clerk shall, if so requested by the party appealing or suing out the writ of error cause a typewritten copy thereof, or of so much thereof as may be required, to be made and delivered to such party upon payment therefor at the rate of three (3) cents for each one hundred (100) words thereof.

Sec. 569. AUTHENTICATED RECORD TO BE REMITTED FROM APPELLATE COURT OR SUPREME COURT.] When an appeal or writ of error shall have been finally disposed of by the court to which such appeal or from which such writ of error has been prosecuted, or when, upon a further appeal from or writ of error to the appellate court, such appeal or writ of error shall have been finally determined in the supreme court, the clerk of the supreme court or the appellate court, as the case may be, shall attach to the authenticated record a certified copy of the final order, judgment or decree of the supreme court or appellate court, as the case may be, and return the same to the municipal court: *Provided, however,* that when, after the return of any such record the same, or a copy thereof, shall be needed for the purposes of a further appeal or writ of error or for any other purpose, by the clerk of the supreme court or appellate court, the clerk of the supreme court or appellate court, as the case may be, shall be entitled to the same for such purpose and the same shall be transmitted or delivered to him by the clerk of the municipal court and after such purpose shall



16 have been accomplished the same shall be returned to the clerk of the municipal  
17 court.

Sec. 570. OTHER MATTERS OF APPELLATE PROCEDURE TO BE REGULATED BY  
2 RULES.] All matters of practice in cases of appeals from and writs of error  
3 to the municipal court not expressly provided for by this Act shall be regulated  
4 by rules to be adopted by the supreme court. It shall be the duty of the  
5 supreme court, immediately after this Act shall become operative, to prepare  
6 or cause to be prepared and to adopt a complete code of rules regulating the  
7 practice in cases of appeals from and writs of error to the municipal court,  
8 which rules at the time of their adoption shall immediately take effect and become  
9 operative: *Provided, however,* that if, by any general law applicable to  
10 courts of record of this State which may take effect after the 30th day of  
11 June, 1909, there shall be provided a scheme of practice in cases of appeals  
12 from and writs of error to courts of record, the supreme court may, in its discretion,  
13 order that the scheme so provided by such general law shall become  
14 applicable, as near as may be, in the prosecution of appeals from and writs  
15 of error to the municipal court.

Sec. 571. COURT TO CONSIST OF JUDGE AND CLERK—PRESENCE OF CLERK NOT  
2 NECESSARY.] Each branch of the municipal court shall consist of the judge and  
3 the clerk thereof, but the actual presence of the clerk by himself or deputy  
4 shall not be necessary to the lawful transaction of business by the judge, and  
5 no order, judgment or decree of any branch court shall be held invalid because  
6 the record may fail to show the presence of the clerk at the entry of the same.

Sec. 572. WHERE BUSINESS OF COURT TO BE TRANSACTED—PRESUMPTION.]  
2 The business of the municipal court shall be transacted at the places provided  
3 in pursuance of law for the holding of the same except as may be otherwise  
4 provided by this Act: *Provided, however,* that nothing herein contained shall  
5 require the record of any action or proceeding in such court to show affirm-



6 atively that the orders of the court therein minuted or set forth were made and  
 7 entered at a place provided in pursuance of law for the holding of said court,  
 8 but it shall be presumed that the court was held and such orders made and  
 9 entered at a place provided therefor in pursuance of law, unless the contrary  
 10 shall affirmatively appear from the record.

Sec. 573. POWER OF JUDGE OF MUNICIPAL COURT TO ENTER ORDERS AT PLACES  
 2 OTHER THAN COURT-ROOM.] Any judge of the municipal court shall have power  
 3 to sign or otherwise make any order in any action pending in said court at any  
 4 place within the city of Chicago whenever, in the opinion of such judge, the  
 5 granting of such order at such place will be in furtherance of justice, and any  
 6 such order when so signed or otherwise made shall be as effective as though  
 7 made in any court-room of said court: *Provided, however,* that after the de-  
 8 fendant shall have entered his appearance no such orders shall be made at any  
 9 other place than a court-room of such court without reasonable notice to the  
 10 parties.

Sec. 574. DISPOSITION OF PAPERS AND DOCKETS OF JUSTICES OF THE PEACE.]  
 2 As soon after the first Monday of December, 1909, as may be practicable, the  
 3 clerk of the municipal court, under the supervision of the chief justice of the  
 4 municipal court, shall cause to be disposed of, by public sale or otherwise, all  
 5 papers theretofore delivered to him by justices of the peace of the city of Chi-  
 6 cago, whose offices have been abolished, in cases brought before said justices  
 7 of the peace and finally disposed of by them more than seven years prior to  
 8 said first Monday of December, 1909, and also all dockets of said justices of  
 9 the peace which may contain no entries made within seven years prior to the  
 10 first Monday of December, A. D. 1909, and as soon as may be practicable after  
 11 the first Monday of December of each year thereafter said clerk, under the  
 12 supervision of said chief justice, shall in like manner cause to be disposed of  
 13 by public sale or otherwise, all such papers then remaining in his hands in

14 cases finally disposed of by said justices of the peace more than seven years  
 15 prior to said date and all dockets of said justices of the peace which contain  
 16 no entries made by said justices other than those made more than seven years  
 17 prior to said date, until all of the files and dockets delivered by said justices  
 18 of the peace of the city of Chicago shall have been so disposed of.

Sec. 575. PARTIAL INVALIDITY NOT TO AFFECT ENTIRE ACT.] The invalidity  
 2 of any portion of this Act shall not affect the validity of any other portion  
 3 thereof which can be given effect without such invalid part, the intention here-  
 4 of being that the courts of this State shall presume conclusively that it is the  
 5 intention of the General Assembly that all of the provisions of this Act which  
 6 are not in and of themselves invalid shall be given effect notwithstanding the  
 7 courts, but for the provisions of this section, might presume it to be the inten-  
 8 tion of the General Assembly that the valid portions of this Act should not  
 9 be given effect, unless the portions thereof which are invalid could also be  
 10 given effect.

Sec. 576. SUBMISSION TO VOTE OF LEGAL VOTERS.] This Act shall be sub-  
 2 mitted to a vote of the legal voters of the city of Chicago at the first regular  
 3 municipal, periodical, general or special election which shall occur in said city  
 4 of Chicago after the first day of July, 1909. The ballots to be used at said  
 5 election in voting upon this Act shall be in substantially the following form:

|  |  |
|--|--|
| For consenting to the Act entitled, "An Act to revise the law in<br>relation to the municipal court of Chicago."     |  |
| Against consenting to the Act entitled, "An Act to revise the law in<br>relation to the municipal court of Chicago." |  |

6 If a majority of the legal voters of said city voting on the question at  
 7 such election shall vote in favor of consenting to this Act, the same shall there-  
 8 upon take effect and become operative.

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- 290 Recognizance—commitment of defendant.

## SECTION.

- 291 No trial till delivery.
- 292 When defendant discharged.
- 293 Judgment for plaintiff.
- 294 Commitment of defendant for refusal to give bond.
- 295 Application of quarterly installments.
- 296 Default—citation—judgment
- 297 Alias and pluries citations.
- 298 Commitment for contempt.
- 299 Mother to retain custody of child—exception.
- 300 Child not born alive—death of child.
- 301 Marriage of parents of bastard child.
- 302 Limitation.
- 303 Release with consent of county judge—compromise.
- 304 Forms of judgments, orders, etc.
- 305 How contempt may be committed.
- 306 No other Act to be punished as contempt.
- 307 Contempts, civil and criminal—definitions.
- 308 Punishment of civil contempt.
- 309 Punishment of criminal contempt.
- 310 Action of contempt.
- 311 In whose name action commenced.
- 312 How action of civil contempt commenced.
- 313 Procedure when defendant fails to appear.
- 314 Procedure when defendant appears and admits, etc.—found guilty—form of  
judgment.
- 315 Procedure when defendant appears and denies, etc.—form of judgment.
- 316 Procedure when defendant not guilty—form of order.

## SECTION.

- 317 In whose name criminal contempt prosecuted.
- 318 Procedure when contempt is in presence of court—form of judgment.
- 319 Procedure when contempt is not in presence of court.
- 320 Forms.
- 321 Lien of judgments—registered land.
- 322 How orders, judgments and decrees enforced.
- 323 Judgment exceeding \$25, exclusive of costs—how proceeded under.
- 324 Citation after return of execution.
- 325 Requisites of petition—citation—forms.
- 326 Citation before return of execution—form of petition.
- 327 Service of citation.
- 328 Averments of petition which need not be proven.
- 329 Examination—order for payment of money, etc.—forms.
- 330 Fraudulent transfers—receiver—bill in equity—forms of orders.
- 331 How bill in equity prosecuted—expenses—form of bill.
- 332 Order for warrant—forms.
- 333 Bond—form.
- 334 Examination to be under oath—postponements—attachment—forms.
- 335 Assignment to sheriff—action—expenses—forms.
- 336 Service of citation to be notice.
- 337 Expenses when property discovered—vexatious conduct—forms of orders.
- 338 Costs out of money recovered—form of order.
- 339 Costs of judgment debtor—form of order.
- 340 Discontinuance—dismissal.
- 341 Intervention—forms.
- 342 Restraining order—forms.
- 343 Bond of judgment debtor—forms.



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- 344 Speedy hearing to judgment debtor committed to jail.
- 345 Reference of master—form.
- 346 Service of order
- 347 Court may designate days for examination.
- 348 Other proceedings to be regulated by rules.
- 349 Complaint—requisites—form.
- 350 Filing complaint—order for warrant—form.
- 351 Arrest of defendant—hearing—order—recognizance—form.
- 352 Discharge or commitment of defendant.
- 353 Costs of prosecution.
- 354 Appeal—recognizance—form.
- 355 Defendant committed discharged, when.
- 356 Sureties may surrender principal.
- 357 Person surrendering may recognize anew.
- 358 No dismissal for informality, etc.
- 359 Complaint—requisites—form.
- 360 Filing of complaint—order—warrant—form.
- 361 Power of officer.
- 362 Return of officer.
- 363 Keeping of property—final disposition.
- 364 When costs taxed against complainant.
- 365 Search of person for weapons.
- 366 Complaint—form.
- 367 Filing of complaint—order—warrant—form.
- 368 Designation of defendant when name unknown.
- 369 Warrant may be directed to person named.
- 370 Officers may pursue person escaping.

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- 371 Arrest out of county—duty of officer.
- 372 Power of officer.
- 373 Before what court person arrested to be brought.
- 374 Adjournment — commitment — recognizance.
- 375 Non-appearance of defendant—default and forfeiture, etc.
- 376 Commitment of defendant—bringing defendant before court
- 377 No discharge for informality—amendment.
- 378 Examination — discharge — commitment — recognizance — form.
- 379 Recognizance of witnesses—form.
- 380 Recognizance of married woman or minor.
- 381 Commitment of witnesses.
- 382. Order of commitment.
- 383 Duty of bailiff—delivery of copy to defendant.
- 384 Taking, transcribing and certifying testimony.
- 385 Procedure when offense not punishable by death or confinement in penitentiary.
- 386 Procedure when offense punishable by death or confinement in penitentiary.
- 387 Criminal cases not punishable by confinement in the penitentiary or death—practice.
- 388 Criminal actions punishable by imprisonment in the penitentiary or death—practice.
- 389 Fixing amount of bail.
- 390 How amount of bail determined.
- 391 Deposit in lieu of bail—form.
- 392 When defendant released on his own recognizance.
- 393 Warrant—form.
- 394 Amount of bail endorsed on warrant.

## SECTION.

- 395 Service and return of warrant—bail.
- 396 Letting to bail—form of recognizance.
- 397 Discharge for want of prosecution.
- 398 Practice in criminal cases in other particulars.
- 399 Quasi criminal actions for fines, etc.—how commenced—forms.
- 400 Warrant—form.
- 401 Fixing amount of recognizance.
- 402 Execution of quasi criminal warrant.
- 403 Procedure when warrant returnable forthwith — trial — recognizance — cash  
bail—forms.
- 404 Procedure when warrant returnable at fixed day—trial—recognizance—cash  
bail—forms.
- 405 Forfeiture of recognizance or cash deposit.
- 406 Return of cash deposit.
- 407 When defendant released on his own recognizance.
- 408 Failure of defendant to appear when summoned.
- 409 Forms of verdict.
- 410 Fines and penalties to be fixed by court.
- 411 Method of procedure in other respects.
- 412 Employment of attorney presumed to continue.
- 413 Attorney authorized to execute bonds in name of client.
- 414 Persons in individual capacity may be joined with executors — how judgment  
endorsed.
- 415 Procedure when party refuses to join as plaintiff.
- 416 Assignee of chose in action.
- 417 Duty of officer to serve summons or writ—penalty.
- 418 Alias and pluries summonses and writs.

## SECTION.

- 419 Judgment in action to revive judgment.
- 420 Joinder of claims in actions on contracts.
- 421 Evidence to be limited to disputed facts.
- 422 Immediate trial for defendant about to depart State or non-resident.
- 423 Setting case for trial for non-resident or county.
- 424 Equitable relief in actions at law.
- 425 Proof of matters of defense occurring after filing specifications of defense.
- 426 Petit jurors.
- 427 Jury trial to be demanded, when.
- 428 Jury trial mandatory in capital and penitentiary cases.
- 429 Waiver of jury in misdemeanors and quasi criminal actions.
- 430 Jurors to be interrogated before impanelling.
- 431 Challenges of jurors.
- 432 Examination of jurors at trial—review on appeal or error.
- 433 Jurors may take notes of evidence, when—inspection of premises, etc.
- 434 Order of argument to jury.
- 435 Expression of opinion by attorney in criminal actions prohibited—penalty.
- 436 Denunciation and abuse of parties and witnesses prohibited—penalty.
- 437 Charging the jury—oral charge—requests to charge—objections to be pointed  
out—additional charge—written instructions.
- 438 Verdict—reducing to form.
- 439 General and special verdict.
- 440 Separation of jurors before retirement discretionary—treatment of jurors  
when kept together.
- 441 Oath to officer attending jury unnecessary.
- 442 Jurors to be supplied with food, etc.—sleep and rest.
- 443 Sealed verdicts.



## SECTION.

- 444 Court may allow jurors use of transcript of evidence.
- 445 What papers jury may take.
- 446 Motion for new trial—notice and copies of affidavits to be served—oral examination of witnesses—entry of judgment delayed.
- 447 Propositions of law or motion for new trial unnecessary in action tried by court.
- 448 Motion in arrest not allowed.
- 449 When non-suit to be claimed.
- 450 Amendments.
- 451 Amendments after final judgment.
- 452 Amendments—how framed.
- 453 Erroneous entry by clerk corrected—limitation.
- 454 Payment of judgment may be made to clerk, etc.
- 455 Presumptions as to jurisdiction and regularity.
- 456 Venue of affidavits and papers.
- 457 Specification of year by number sufficient without the abbreviations “A. D.,” or words “in the year of our Lord.”
- 458 Effect of bonds taken in judicial proceedings.
- 459 Rules of equity applicable in all cases.
- 460 Practice in matters not specially provided for in this Act.
- 461 Adoption of rules of practice.
- 462 Practice when method of procedure insufficiently prescribed.
- 463 Certifying questions to Supreme Court—form of certificate.
- 464 Primary purpose of establishment of municipal court—duty of Supreme Court.
- 465 Supreme Court to exercise superintendence—annual investigation.
- 466 Papers and record entries constituting part of record of all actions.
- 467 Additional papers forming parts of record.

## SECTION.

- 468 Actions, etc., to be numbered.
- 469 Function of number.
- 470 Paper of uniform size and quality to be used.
- 471 Clerk to distribute paper.
- 472 Entitling of papers.
- 473 Blanks to be used.
- 474 Flat filing system.
- 475 Clerk not to file paper not complying with provision of Act—striking papers  
from files.
- 476 Filing of papers to be registered.
- 477 Files not to be taken from clerk's office—exception.
- 478 Record papers to be kept fastened together.
- 479 Copy of register and minute book to be kept with record files or copy thereof.
- 480 When orders to be filed with record papers.
- 481 Books to be kept by clerk of municipal court.
- 482 How orders, judgments and decrees may be entered.
- 483 What orders, judgments and decrees to be entered on record books in full.
- 484 Keeping of files and records.
- 485 Courts to take judicial notice of meaning of forms of record entries of muni-  
cipal court.
- 486 Transcript for use outside of this State.
- 487 Plaintiff's costs to clerk in civil actions not otherwise provided for when jury  
not demanded.
- 488 Plaintiff's additional clerk's costs when jury demanded.
- 489 Transferred cases.
- 490 Clerk's costs for execution.
- 491 Clerk's costs for supplementary proceedings.

## SECTION.

- 492 Defendant's clerk's costs when jury not demanded.
- 493 Defendant's additional clerk's costs when jury demanded.
- 494 Clerk's fees on change of venue.
- 495 Additional costs of trial by jury.
- 496 Costs to be paid by defendant or group of defendants entering separate appearance.
- 497 Costs of parties to intervention.
- 498 Additional costs of trial or hearing by court.
- 499 Clerk's fees in criminal actions.
- 500 Clerk's fees in municipal ordinance actions.
- 501 Clerk's fees in other quasi criminal actions.
- 502 Clerk's fees in bastardy actions.
- 503 Clerk's fees in recognizance actions.
- 504 Fees for acknowledgment of chattel mortgages.
- 505 Clerk's fees for special service.
- 506 Bailiff's fees.
- 507 Clerk and bailiff to pay over fees—auditing of accounts.
- 508 Fees in stenographic and typewriting department.
- 509 Use to be made of original and carbon copies.
- 510 Fees of witnesses.
- 511 How witnesses' fees paid.
- 512 People, municipal corporation, etc., not to pay costs.
- 513 When advance costs not required of defendant—judgment for costs.
- 514 When defendant entitled to repayment.
- 515 Costs remitted when.
- 516 Plaintiff's taxable costs for preparing papers.
- 517 Plaintiff's taxable costs for preparing and serving copies.

## SECTION.

- 518 Defendant's taxable costs for preparing papers.
- 519 Defendant's taxable costs for preparing and serving copies.
- 520 Party's stenographer's fees.
- 521 Costs for preparing report of proceedings.
- 522 Costs for serving summons served by person not officer.
- 523 Costs of garnishee.
- 524 Security for costs—form.
- 525 Signing and effect of security.
- 526 Failure to file security—right to security not waived.
- 527 Cash deposit in lieu of security—form of certificate.
- 528 Party becoming non-resident.
- 529 Successful party to recover costs—exceptions.
- 530 Party to file bill of costs—verification—copies—form of bill of costs.
- 531 Clerk to tax costs according to bill—exception.
- 532 Application to court.
- 533 Re-taxing costs.
- 534 Amount of costs not to be specified in judgment, etc.
- 535 Objection to bill of costs—when to be made.
- 536 Costs not recoverable by opposite party—how collected.
- 537 Poor persons.
- 538 Questions preserved in certain actions for review without report of proceedings.
- 539 Questions preserved in criminal actions without report of proceedings.
- 540 Questions preserved in quasi criminal actions without report of proceedings.
- 541 Questions preserved in other actions without report of proceedings.
- 542 Supreme Court to make rule.
- 543 Bill of exceptions and certificate of evidence abolished—report of proceedings.



## SECTION.

- 544 What may be included in report—condensation.
- 545 Opposite party may have matter inserted.
- 546 Supplemental or additional report by opposite party.
- 547 Exceptions unnecessary.
- 548 Judge not to omit matter actually occurring when.
- 549 Judge to note tender of report.
- 550 Report to be tendered opposite party for inspection—duty of opposite party.
- 551 Duty of judge—signing report—corrections.
- 552 Judge to settle differences.
- 553 Costs.
- 554 Corrections of defective report in Supreme Court or Appellate Court.
- 555 Death or disability of judge—settlement of report.
- 556 When report presumed to contain all the evidence.
- 557 Presumption in favor of party complaining on appeal or error.
- 558 Report to be liberally construed in favor of party complaining.
- 559 Purposes of report—liberal construction.
- 560 Jurisdiction of Appellate Court to review orders, etc., of municipal court.
- 561 Jurisdiction of Supreme Court to review orders, etc., of municipal court.
- 562 No other court to have appellate jurisdiction over municipal.
- 563 Practice upon appeal from or writ of error to municipal court.
- 564 When authenticated record to be filed.
- 565 Failure to file authenticated record to be abandonment of appeal.
- 566 Manner of making up authenticated records—form of certificate.
- 567 Placita abolished.
- 568 Authenticated record to be transmitted to clerk of court appealed to.
- 569 Authenticated record to be remitted from Appellate Court or Supreme Court
- 570 Other matters of appellate procedure to be regulated by rules.

## SECTION.

- 571 Court to consist of judge and clerk—presence of clerk not necessary.
- 572 Where business of court to be transacted—presumption.
- 573 Power of judge of municipal court to enter orders at places other than court room.
- 574 Disposition of papers and dockets of justices of the peace.
- 575 Partial invalidity not to affect entire Act.
- 576 Submission to vote of legal voters.

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- 1 Introduced by Mr. Shanahan, by request, April 29, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

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## A BILL

For an Act to amend sections 2, 3, 4, 7 and 14 of an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3, 4, 7 and 14 of an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of

7 Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other  
8 Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July  
9 1, 1907, be and the same are hereby amended to read as follows:

10       Sec. 2. REGISTRATION BY OWNERS OF AUTOMOBILES—CERTIFICATE OF REGISTRA-  
11 TION.] Every owner of a motor vehicle which shall be driven in this State  
12 shall, except as otherwise provided in this Act, within ten days after he be-  
13 comes the owner of such vehicle, file in the office of the Secretary of State  
14 *an application properly sworn to, setting forth his name and address, with a*  
15 *brief description of the vehicle to be registered, including the name of the*  
16 *maker, factory number, style of vehicle and motor power, and the amount of*  
17 *such motor power stated in figures of horse power, on a blank to be prepared*  
18 *and furnished by such Secretary of State for that purpose, and shall pay to*  
19 *said Secretary of State a registration fee of two dollars per annum for each*  
20 *motor vehicle owned by the person making such application. Said registration*  
21 *shall be made on the date the application is received and filed by the Secretary*  
22 *of State and shall expire one year thereafter. Upon the filing in the office of*  
23 *the Secretary of State of said application as hereinbefore provided, the Secre-*  
24 *tary of State or his duly authorized agent, shall without further fee assign to*  
25 *such motor vehicle as described in such application, a distinctive number, and*  
26 *shall issue to the owner of such motor vehicle, as it is described in the appli-*  
27 *cation filed, a certificate of registration, which certificate shall be in the form*  
28 *of a card, which may be carried in the pocket and which certificate shall con-*  
29 *tain the distinctive number so assigned to such motor vehicle, the name and*  
30 *address of the owner, a brief description of such motor vehicle, stating the*  
31 *name of the manufacturer, the motor power, and the amount of such motor*  
32 *power stated in figures of horse power. The Secretary of State shall also issue*  
33 *and deliver to the owner of such motor vehicle a seal of aluminum or other*  
34 *suitable metal which shall be circular in form and not to exceed two inches in*



diameter, having stamped thereon the words, "Registered Motor Vehicle No. .  
 Ill. Motor Vehicle Law," with the registration number inserted therein. which  
 seal shall thereafter at all times be affixed to the motor vehicle to which such  
 number has been assigned. *Duplicate certificates of registration will be is-*  
*sued upon the payment of a fee of 50 cents and the filing in the office of the*  
*Secretary of State an affidavit to the effect that the original certificate of*  
*registration was lost, stolen or destroyed.*

*The Secretary of State* shall cause the name of such owner, with his ad-  
 dress, *registration number and date of the filing of application* and the descrip-  
 tion of such motor vehicle or motor vehicles to be entered in alphabetical order  
 of the owner's name, in a book to be kept for such purpose in the office of  
 said Secretary of State: *Provided*, that this section shall not apply to manu-  
 facturers of, or dealers in, motor vehicles in this State, except as to vehicles  
 kept by such manufacturers or dealers for private use or for public hire.

*Any person who has registered his motor vehicle in this State prior to the*  
*time when this Act shall take effect, shall be exempt from the provisions of*  
*this section until the expiration of one year from the date of said registration.*  
 The Secretary of State shall, once a year, and oftener if he deems necessary,  
 print and mail to the clerks of all counties in the State, lists of registrations  
 made in accordance herewith, together with the numbers of the motor vehicles  
 and the names and addresses of the owners thereof.

Sec. 3. NUMBERS TO BE DISPLAYED UPON MOTOR VEHICLES.] The owner of  
 each motor vehicle shall have a number corresponding with the number of the  
*certificate of registration and registration seal* issued by the Secretary of State,  
 as hereinbefore provided, conspicuously displayed upon the front and back of  
 every such motor vehicle owned by him, whenever the same shall be driven or  
 used upon the public streets, roads, turnpikes, parks, parkways, drives or other  
 public highways in this State; such numbers to be separate Arabic numerals,

not less than four inches in height and each stroke to be of a width not less than one-half of an inch, and also, as part of such number, the letters ILL.; such numbers and letters shall be black on white ground, and such letters to be not less than one inch in height. Said owner shall not be required to place any other marks of identity upon said motor vehicle.

Sec. 4. LAMPS.] Every motor vehicle shall carry, during the period from sunset to one hour before sunrise, at least two lighted lamps, showing white lights visible at least two hundred feet in the direction toward which each motor vehicle is proceeding, and shall also exhibit at least one red light, visible in the reverse direction, attached to the rear of such motor vehicle.

Sec. 7. REGISTRATION BY SUBSEQUENT PURCHASERS.] The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer shall, within ten days after such sale, join in a statement and send the same by mail to the Secretary of State, together with a filing fee of fifty cents, *to be paid by the vendor*, and thereupon said registration shall cease to apply to the motor vehicle so sold; and the purchaser of such motor vehicle shall register the same as in case of an original registration, and another and different number than the original registration number shall be assigned to said motor vehicle, and the *said original registration number shall be canceled by the Secretary of State*.

Sec. 14. CHAUFFEURS' REGISTRATION AND RECORD—FEE.] Every person hereafter desiring to operate a motor vehicle as chauffeur, which is hereby defined to mean any person operating a motor vehicle as mechanic or employe or for hire, shall file in the office of the Secretary of State, on a blank to be supplied by such Secretary of State, *an application properly sworn to*, which shall include his name and address and motor power of the motor vehicle or vehicles he is competent to operate, and shall pay a registration fee of one dollar

90 *per annum*, and thereupon the Secretary of State shall file such *aplocation* in  
91 his office, register such chauffeur in a book or index to be kept for that pur-  
92 pose and assign to him a number. *Said registration shall be made on the*  
93 *date the application is received and filed by the Secretary of State and shall*  
94 *expire one year thereafter. Any person who has been registered as a chauffeur*  
95 *in this State prior to the time when this Act shall take effect shall be exempt*  
96 *from the provisions of this section until the expiration of one year from the*  
97 *date of said registration.*





- 1 Introduced by Committee on Municipal Corporations, April 29, 1909.
- 2 Read a first time, ordered printed and to second reading without reference.

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## A BILL

For an Act to amend section 1 and section 4 of an Act entitled, "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds five thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and as amended by an Act entitled, "An Act to amend sections three (3), seven (7), eight (8) and ten (10) of an Act entitled, 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith in cities, villages or incorporated towns whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887," approved March 28, 1889, in force July 1, 1889, as amended by an Act entitled, "An Act to amend sections one

(1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title of 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889," approved May 20, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 and section 4 of "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages and incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887," as amended by an Act entitled, "An Act to amend sections three (3), seven (7), eight (8) and ten (10) of an Act entitled, 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the

retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887," approved March 28, 1889, in force July 1, 1889, as amended by an Act entitled, "An Act to amend sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title of 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages and incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889," approved May 20, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

Sec. 1. That in all cities, villages and incorporated towns whose population exceeds five thousand, having a paid fire department, one (1) per centum of all revenues collected or received by such cities, villages or incorporated towns from licenses issued by such cities, villages or incorporated towns; also all fines imposed for violations of fire ordinances, the enforcement or correction of which may be charged to and be under the supervision of the chief officer or subordinate officers of such fire department, of any such cities, villages or incorporated towns, shall be set apart by the treasurer of such cities, villages or incorporated towns, to whom the same shall be paid as a fund for the pensioning of disabled and superannuated members of the fire departments and of the widows and orphans and dependent parents of deceased members of the fire departments of such cities, villages or incorporated



42 towns. The treasurers of such cities, villages or incorporated towns shall be  
 43 *ex officio* treasurers of such fund. In each city and village of this State  
 44 whose population exceeds 5,000, wherein a fund has been set apart for the re-  
 45 lief of disabled members of the police and fire departments of such city or  
 46 village, by virtue of an Act entitled, "An Act for the relief of disabled mem-  
 47 bers of police and fire departments in cities and villages," approved May  
 48 24, 1877, in force July 1, 1877, as amended by an Act approved May 10, 1901,  
 49 in force July 1, 1901, one-half of all funds and property forming a part of  
 50 such fund shall be transferred by the authorities having charge thereof to,  
 51 and form part of the pension fund provided for in such cities and villages,  
 52 under the provision of this Act.

53       Sec. 4. All rewards in moneys, fees, gifts and emoluments that may be  
 54 paid or given for or on account of extraordinary services by said fire de-  
 55 partment, or any member thereof (except when allowed to be retained by  
 56 petitive award), shall be paid into said pension fund. The said board of trus-  
 57 tees may take by gift, grant, devise or bequest, any money, real estate, personal  
 58 property or other valuable thing, the annual income of which shall not exceed  
 59 one hundred thousand dollars (\$100,000) in the whole; and such money, real  
 60 estate, personal property, right of property or other valuable thing so ob-  
 61 tained; also all fines and penalties imposed upon members of such fire depart-  
 62 ment, shall in like manner be paid into said pension fund and treated as a part  
 63 thereof, for the uses of such pension fund: *Provided*, that when the sum of \$200,-  
 64 000 shall be received and accumulated, in cities having a population of over  
 65 100,000; and when \$50,000 shall be received and accumulated in cities having a  
 66 population of less than 100,000 and more than 75,000; and when \$25,000  
 67 shall be received and accumulated in cities having a population of less than  
 68 75,000 and more than 25,000; and when \$15,000 shall be received and accumu-  
 69 lated in cities having a population of less than 25,000 and more than 5,000,



70 such sums shall in each case be retained as a permanent fund, and thereupon  
71 and thereafter the annual income of each such fund, and any excess thereof,  
72 in each such case, shall be available for the uses and purposes of such pension  
73 fund.



- 1 Introduced by Mr. Ireland, April 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making appropriation for the sum of seventy-five hundred (7,500) dollars for the construction and erection of a monument in the city of Jacksonville in honor of the memory of the late Richard Yates, ex-Governor and ex-United States Senator of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated the sum of seventy-five hundred (7,500) dollars for the construction and erection of a monument in the city of Jacksonville in honor of the memory of the late Richard Yates, ex-Governor and ex-United States Senator of the State of Illinois.

Sec. 2. The Governor of the State of Illinois is hereby empowered to appoint a commission of five members, to be known as the Richard Yates Monu-

3 ment Commission, who shall erect a monument of such character and design  
4 as they shall determine.

Sec. 3. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrant upon the State Treasurer for the money herein appropriated, upon the  
3 presentation of proper vouchers certified to by the said commission and  
4 approved by the Governor.



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- 1 Introduced by Mr. Lederer, April 30, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

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## A BILL

For an Act to provide for the health, safety and comfort of employes in factories, mercantile establishments, mills and workshops in this State and to provide for the enforcement thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all saws, planers, wood-shapers, jointers, sand-paper machines and iron mangles, emery wheels, ovens, furnaces, forges and rollers of metal, and all set-screws, drums and machinery, including belts, cogs, gearing, belting, shafting, cables and fly-wheels, flying shuttles and hydro ex-tractors, laundry machinery, mill gearing and machinery of every description, all electrical dynamos and other electrical apparatus and appliances; all vats, pans or other structures filled with molten metal or hot or corrosive acids in any factory, mercantile establishment, mill or workshop, shall be so located wherever possible as not to be dangerous to workmen, and shall be properly

11 guarded, fenced or otherwise protected. All dangerous places in or about mer-  
12 cantile establishments, factories, mills or workshops, near to which any employe  
13 is obliged to pass or to be employed, shall, where practicable, be properly en-  
14 closed or otherwise guarded. No machine in any factory, mercantile establish-  
15 ment, mill or workshop, shall be used when the same is known to be cracked  
16 or otherwise defective, when such defect would make such machine dangerous;  
17 and no repairs shall be made to the active mechanism or operative parts of  
18 any machine when such parts are in motion.

Sec. 2. No person shall remove or make ineffective any safeguard around  
2 or attached to any machinery, vats or pans or other articles mentioned in sec-  
3 tion one (1) of this Act, while the same are in use, except for the purpose of  
4 immediately making repairs thereto, and all such safeguards so removed shall  
5 be promptly replaced.

Sec. 3. All hoist-ways, hatch-ways, elevator wells and wheel holes in fac-  
2 tories, mercantile establishments, mills or workshops shall be securely fenced  
3 and closed, or otherwise protected, and due diligence shall be used to keep all  
4 such means of protection closed, except where it is necessary to have the same  
5 open in order that the said hatch-ways, elevators or hoisting apparatus may  
6 be used. All elevator cabs or cars, whether used for freight or passengers,  
7 shall be provided with some suitable mechanical device whereby the car or cab  
8 shall be securely held in the event of accident to the shipper rope or hoisting  
9 machinery or controlling apparatus.

Sec. 4. No floor space of any workroom in any factory, mercantile estab-  
2 lishment, mill or workshop shall be so over-crowded with machinery or other  
3 material as thereby to cause serious risk to, or endanger the life or limb of,  
4 any employe, nor shall there be in any such establishment a load in excess of  
5 the sustaining power of the floors and walls thereof.

Sec. 5. The traversing carriage of any self-acting machine must not be  
2 allowed to run out within a distance of eighteen (18) inches from any fixed  
3 structure, not being part of the machine, if the space over which it runs out  
4 is a space over which any person is liable to pass whether in the course of  
5 his employment or otherwise.

Sec. 6. It shall be the duty of every person, firm or corporation, to which  
2 the provisions of this Act may apply, to carry out the same and make all the  
3 changes and additions necessary therefor, and in every way to comply with all  
4 the provisions of this Act. When such changes and additions are made by a  
5 lessee in order to make such factory, mercantile establishment, mill or work-  
6 shop comply herewith, said lessee may, at any time within ninety (90) days  
7 after the completion thereof, bring an action against any person, corporation  
8 or partnership owning or having a proprietary interest in such premises, and  
9 recover such proportion of the expense of making such changes and additions  
10 as the court adjudges should justly and equitably be borne by such defendant.

Sec. 7. It shall be the special duty of the Chief State Factory Inspector,  
2 and of the Assistant State Factory Inspector, and deputy factory inspectors,  
3 under the direction and supervision of the Chief State Factory Inspector, to  
4 enforce the provisions of this Act and to prosecute all violations of the same  
5 before any magistrate or any court of competent jurisdiction in this State.  
6 And for that purpose they and each of them are hereby empowered to visit  
7 and inspect, at all reasonable times, and as often as shall be necessary, all such  
8 factories, mercantile establishments, mills and workshops in this State, and in  
9 the enforcement of the provisions of this Act the Chief State Factory In-  
10 spector, and the assistant factory inspector and the deputy factory inspectors,  
11 under the direction and supervision of the Chief State Factory Inspector, shall  
12 give proper notices or orders in regard to any violation of this Act to the

13 persons owning, operating or managing any such factory, mercantile establish-  
14 ment, mill or workshop. Such notices or orders shall be written or printed and  
15 signed officially by the Chief Factory Inspector, assistant factory inspector, or  
16 one of the deputy factory inspectors, and said notices may be served by de-  
17 livering the same to the person upon whom such service is to be made, or by  
18 leaving at his usual place of abode or business an exact copy thereof, or by  
19 sending a copy thereof to such persons by United States mail, properly stamped  
20 and registered. Notice to one member of a firm shall be notice to every mem-  
21 ber thereof, and notice to the president, secretary, or treasurer, or manager,  
22 or agent, or superintendent of a corporation shall be notice to such corporation.

Sec. 8. Any person, firm or corporation who shall, or any agent, mana-  
2 ger or superintendent of any person, firm or corporation who for himself or  
3 for such person, firm or corporation shall, directly or indirectly, violate any of  
4 the provisions of this Act, or who omits or fails to comply with any of the  
5 foregoing requirements of this Act, or who disregards any orders, notices or  
6 requirements of the State Factory Inspector, or of a deputy factory inspector,  
7 when said order or notice is made in accordance with the provisions of this  
8 Act, or who obstructs or interferes with any examination or investigation being  
9 made by a factory inspector, shall be deemed guilty of a misdemeanor and on  
10 conviction thereof shall be punished for the first offense by a fine of not less  
11 than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and  
12 shall stand committed until such fine and costs are paid, unless otherwise dis-  
13 charged by due process of law; and upon conviction of the second or subsequent  
14 offense shall be fined not less than twenty-five (\$25.00) dollars nor more than  
15 five hundred (\$500.00) dollars.

Sec. 9. The following terms used in this Act shall have the following  
2 meaning: The term "factory" means any premises wherein electricity, steam,



3 water or other mechanical power is used to move or work any machinery em-  
 4 ployed in preparing, manufacturing or finishing or in the process incident to  
 5 the manufacturing of any article or part of any article, or the altering, re-  
 6 pairing, ornamenting or the adapting for sale of any article. The term "mill  
 7 or workshop" shall include any premises, room or place not being a factory  
 8 as above defined, wherein any labor is exercised by way of trade or for the pur-  
 9 pose of gain or incidental to any process of making, altering, preparing, clean-  
 10 ing, repairing, ornamenting, finishing or adapting for sale any article or part  
 11 of any article, and to which or which building, premises, room or place the  
 12 employer of the persons employed or working therein has the right of access  
 13 or control: *Provided, however,* that the exercise of such manual or other labor  
 14 in a private home or private room by a family dwelling therein, or by any of  
 15 them, shall not of itself constitute such house or room a mill or workshop with-  
 16 in this definition. The term "mercantile establishment" shall include all con-  
 17 cerns or places where any goods, wares or merchandise are purchased or sold,  
 18 either at wholesale or retail. The term "mill gearing" shall include every  
 19 shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley  
 20 or other appliance, by which the motion of the first motive power is communi-  
 21 cated to any machine appertaining to a manufacturing process. The term  
 22 "factory inspector" shall be construed to mean the chief factory inspector. The  
 23 term "deputy factory inspector" shall be construed to mean the assistant State  
 24 Factory Inspector, or any of the deputy factory inspectors provided for by  
 25 law.

Sec. 10. A copy of this Act together with the name and address of the  
 2 Chief State Factory Inspector shall be printed in English and may be printed  
 3 in any foreign language: *Provided,* the State Factory Inspector shall sup-  
 4 ply copies of this Act upon application, and such printed copy shall be con-

5 spicuously posted in the office and work-room of every establishment covered  
6 by the provisions of this Act.

Sec. 11. This Act shall take effect and be enforced on and after the first  
2 day of November, 1909.

- 1 Introduced by Mr. Cliffe, April 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

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## A BILL

For an Act amending section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be, and the same is hereby amended to read as follows:

Sec. 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

*First*—All lands donated by the United States for school purposes, not sold or leased; all property of *schools*, including the real estate on which the

10 *schools* are located, not leased by such *schools* or otherwise used with a view  
11 to profit.

12 *Second*—All property used exclusively for *religious* purposes, or used ex-  
13 clusively for *school* and *religious* purposes and not leased or otherwise used  
14 with a view to profit.

15 *Third*—All lands used exclusively as grave yards or grounds for burying  
16 the dead.

17 *Fourth*—All unentered government lands; all public buildings or structures  
18 of whatsoever kind, and the contents thereof, and the land on which the same  
19 are located belonging to the United States.

20 *Fifth*—All property of every kind belonging to the State of Illinois.

21 *Sixth*—All property belonging to any county, town, village or city, used  
22 exclusively for the maintenance of the poor; all swamp or overflowed lands  
23 belonging to any county, so long as the same remain unsold by such county;  
24 all public buildings belonging to any county, township, city or incorporated  
25 town, with the ground on which such buildings are erected, not exceeding in  
26 any case ten acres.

27 *Seventh*—All property of institutions of public charity, when actually and  
28 exclusively used for such charitable purposes, not leased or otherwise used  
29 with a view to profit; and all free public libraries.

30 *Eighth*—All fire engines or other implements used for the extinguishment  
31 of fires, with the buildings used exclusively for the safe keeping thereof, and  
32 the lot of reasonable size on which the building is located, when belonging to  
33 any city, village or town.

34 *Ninth*—All market houses, public squares or other public grounds used ex-  
35 clusively for public purposes; all works, machinery and fixtures belonging ex-



clusively to any town, village or city, and used exclusively for conveying water to such town, village or city.

*Tenth*—All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.



- 1 Introduced by Mr. Beck, May 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act to prohibit certain classes of medical advertising and to provide punishment for the violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That any person who shall advertise, in his own  
3 name, or the name of another person, firm, pretended firm, association, cor-  
4 poration, pretended corporation, in any newspaper, circular, or by any other  
5 means, the treatment of, curing of, or medicines for venereal diseases, the res-  
6 toration of lost manhood, or lost vitality, or diseases caused by self abuse, or  
7 excessive sexual indulgence, or who shall advertise in any manner, any medi-  
8 cine, drug, appliance or any means whatever, whereby it is claimed that misear-  
9 riage or abortion may be produced, or conception prevented, or who shall ad-  
10 vertise any place where abortions are or will be produced, shall be guilty of  
11 a misdemeanor, and upon conviction thereof, shall be punished by a fine of  
12 not less than one hundred dollars nor more than five hundred dollars, and in-  
13 prisonment in the county jail for not less than three months.





SUBSTITUTE FOR HOUSE BILL NO. 584

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1 Introduced by Committee on Judiciary May 3, 1909.

8 Read first time, ordered printed and to a second reading without reference.

## A BILL

For an Act to amend sections 4 and 19 of an Act entitled, “An Act defining motor vehicles, and providing for the registration of the same, and uniform rules regulating the use and speed thereof, and repealing an Act entitled ‘An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,’ approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith,” filed May 28, 1907, in force July 1, 1907.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That sections 4 and 19 of an Act entitled, “An Act  
3 defining motor vehicles, and providing for the registration of the same, and  
4 uniform rules regulating the use and speed thereof, and repealing an Act en-  
5 titled, ‘An Act to regulate the speed of automobiles and other horseless con-  
6 veyances upon the public streets, roads and highways of the State of Illinois,’

7 approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts  
8 of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907, be  
9 and the same are hereby amended so as to read as follows:

10       Sec. 4. Every motor vehicle shall carry during the period from sun-set  
11 to one hour before sun-rise at least two lighted lamps, showing white lights  
12 visible at least two hundred (200) feet in the direction toward which each motor  
13 vehicle is proceeding and shall also exhibit at least one *lighted lamp rearwardly*  
14 *facing, at the back of the vehicle, which shall be so situated that it will clearly*  
15 *illuminate the identification number at the back of the vehicle provided for in*  
16 *section three, and said device embodying such number and the lamp shall be per-*  
17 *manently secured to the body of the vehicle so that it will not swing loosely or be*  
18 *suspended from said vehicle.*

19       Upon each of the glass fronts of the two aforesaid front lamps, showing  
20 white lights, shall be displayed in such manner as to be plainly visible, when  
21 such lamps are lighted, the number of the certificate issued as aforesaid by the  
22 Secretary of State, and in addition thereto the letters ILL., such figures to be  
23 in separate Arabic numerals not less than one inch in height.

24       Sec. 19. Any person wilfully violating the provisions of this Act shall,  
25 except as otherwise provided herein, upon conviction, be fined in a sum not to  
26 exceed the amounts hereinafter set forth:

27       For a violation of section two, twenty-five dollars.

28       For a violation of section three, twenty-five dollars.

29       For a violation of section four, twenty-five dollars.

30       For a violation of section five, twenty-five dollars.

31       For a violation of section six, twenty-five dollars.

32       For a violation of section seven, twenty-five dollars.

33       For a violation of section nine, twenty-five dollars.

34       For a violation of section ten, subdivision a, two hundred dollars.

For a violation of section ten, subdivision b, two hundred dollars.

For a violation of section ten, subdivision c, two hundred dollars.

For a violation of section twelve, two hundred dollars.

For a violation of section fourteen, ten dollars.

For a violation of section fifteen, fifteen dollars.

For a violation of section seventeen, one hundred dollars.

Any provision not herein specifically mentioned, one hundred dollars.

*Provided*, that any offender who shall have been found guilty of a violation of any section of this Act, and fined therefor, *and who shall within two years thereafter be convicted of a second violation of such section, may be fined in a sum not exceeding double the penalty herein provided for a first violation, and in addition thereto may have his certificate or license issued by the Secretary of State revoked for a period not exceeding one year; and for a third or subsequent violation of any section of this Act within three years after the date of such second violation, the certificate or license shall, in addition to the fine provided for a second offense, be revoked for a period not exceeding three years.* Any person whose license shall have been revoked for a violation of any of the provisions of this Act, and who shall drive or operate a motor vehicle within the State of Illinois during the period for which his said license shall have been revoked, or any person who, having once been convicted of a failure to comply with the provisions of this Act, requiring a registration by chauffeurs, shall fail or refuse to comply with said provisions, shall be deemed guilty of a misdemeanor, and on conviction may be fined in a sum not to exceed two hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days, or both, in the discretion of the court. All fines imposed for the violation of any of the provisions of this Act shall be paid to the treasurer of the highway commissioners of the township or road district in which the offense is committed by the justice of the peace, clerk of the court or other officer to whom the amount of such fines shall be by law required to be paid by the constable, bailiff, sheriff

64 or other officer named in any execution issued for the collection of the same;  
65 and all moneys so received by the treasurer of the highway commissioners  
66 shall be used in repairing and improving the roads within such township or road  
67 district: *Provided, however,* that whenever any such violations shall occur with-  
68 in the limits of any city, village or incorporated town, or within the jurisdiction  
69 of any board of park commissioners wherein no commissioners of highways  
70 exist or have jurisdiction, in such case all fines imposed for the violation of any  
71 of the provisions of this Act shall be paid to the treasurer of such city, village  
72 or incorporated town, or to the park commissioners within whose jurisdiction  
73 the offense is committed by the justice of the peace, clerk of the court or other  
74 officer, to whom the amount of such fines shall be by law required to be paid by  
75 the constable, bailiff, sheriff or other officer named in any execution issued for  
76 the collection of the same, and all moneys so received by the treasurer of such  
77 city, village or incorporated town, or park commissioners, shall be used in re-  
78 pairing and improving the roads or streets within such city, village, incorpo-  
79 rated town or park.



AMENDMENTS TO

46th Assem.

HOUSE—No. 672

May 1901

AMENDMENT NO. 1.

Amend House Bill No. 672 by striking out all of section 4, on page 2 of said bill after the words "exhibit at least one lighted lamp," where they appear in line 13 of the bill as printed, and inserting in lieu thereof the following: "which shall be so situated as to throw a red light visible in the reverse direction. The identification number at the back of the vehicle provided for in section 3 shall be permanently attached to the vehicle so that it will not swing loosely and shall be so lighted as to be plainly visible, Upon each of the glass fronts of the two first mentioned lamps, showing white lights, shall be displayed in such manner as to be plainly visible when such lamps are lighted the number of the certificate issued as aforesaid by the Secretary of State, and in addition thereto the letters, "Ill.," such figures to be in separate Arabic numerals not less than one inch in height."

AMENDMENT NO. 2.

Amend House Bill No. 672 by striking out all after the word "therefore" in line 43 of section 9 of the printed bill and all of lines 44, 45, 46, 47, 48, 49 and 50 up to and including the word "years" and substitute in lieu thereof the following: "And who shall within six months thereafter be convicted of a second violation of such section, may be fined in a sum not exceeding double the penalty herein provided for a first violation and in addition thereto may have his certificate or license issued by the Secretary of State revoked for a period not exceeding 60 days; and for a third or subsequent violation of such section within 6 months after the date of such second violation, the certificate or license may, in addition to the fine provided for a second offense be revoked for a period not exceeding 6 months.



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- 1 Introduced by Mr. Cermak, May 4, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

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## A BILL

For an Act to amend section 1 of article V of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force December 31, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article V of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, as amended by an Act approved and in force December 31, 1907, be amended so as to read as follows, viz.:

Sec. 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

*First*—To control the finances and property of the corporation.

9       *Second*—To appropriate money for corporate purposes only, and provide  
10 for payment of debts and expenses of the corporation.

11       *Third*—To levy and collect taxes for general and special purposes on real  
12 and personal property.

13       *Fourth*—To fix the amount, terms and manner of issuing and revoking  
14 licenses.

15       *Fifth*—To borrow money on the credit of the corporation for corporate pur-  
16 poses, and issue bonds therefor, in such amounts and form, and on such con-  
17 ditions as it shall prescribe; but shall not become indebted in any manner or  
18 for any purpose to an amount, including existing indebtedness, in the aggre-  
19 gate to exceed five (5) per centum on the value of the taxable property there-  
20 in, to be ascertained by the last assessment for the State and county  
21 taxes previous to the incurring of such indebtedness; and before or at the  
22 time of incurring any indebtedness, shall provide for the collection of a direct  
23 annual tax sufficient to pay the interest on such debt as it falls due, and also  
24 to pay and discharge the principal thereof within twenty years after construct-  
25 ing (contracting) the same.

26       *Sixth*—To issue bonds in place of or to supply means to meet matur-  
27 ing bonds, or for the consolidation or funding of the same.

28       *Seventh*—To lay out, to establish, open, alter, widen, extend, grade, pave  
29 or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and  
30 public grounds, and vacate the same.

31       *Eighth*—To plant trees upon the same.

32       *Ninth*—To regulate the use of the same.

33       *Tenth*—To prevent and remove encroachments or obstructions upon the  
34 same.

35       *Eleventh*—To provide for the lighting of the same.

36       *Twelfth*—To provide for the cleansing of the same.



37       *Thirteenth*—To regulate the openings therein for the laying of gas or water  
 38 mains and pipes, and the building and repairing of sewers, tunnels and drains,  
 39 and erecting gas lights: *Provided, however,* that any company heretofore or-  
 40 ganized under the general laws of this State, or any association of persons or-  
 41 ganized, or which may be hereafter organized, for the purpose of manufac-  
 42 turing illuminating gas to supply cities or villages, or the inhabitants there-  
 43 of, with the same, shall have the right, by consent of the common council  
 44 (subject to existing rights), to erect gas factories, and lay down pipes in  
 45 the streets or alleys of any city or village in this State, subject to such regu-  
 46 lations as any such city or village may by ordinance impose.

47       *Fourteenth*—To regulate the use of sidewalks and all structures thereun-  
 48 der; and to require the owner or occupant of any premises to keep the side-  
 49 walks in front of or along the same free from snow and other  
 50 obstructions.

51       *Fifteenth*—To regulate and prevent the throwing or depositing of ashes,  
 52 offal, dirt, garbage or any offensive matter in, and to prevent injury to any  
 53 street, avenue, alley or public ground.

54       *Sixteenth*—To provide for and regulate crosswalks, curbs and gutters.

55       *Seventeenth*—To regulate and prevent the use of streets, sidewalks and  
 56 public grounds for signs, sign posts, awnings, awning posts, telegraph poles,  
 57 horse troughs, racks, posting hand bills and advertisements.

58       *Eighteenth*—To regulate and prohibit the exhibition or carrying of ban-  
 59 ners, placards, advertisements or hand bills in the streets or public grounds,  
 60 or upon the sidewalks.

61       *Nineteenth*—To regulate and prevent the flying of flags, banners or signs  
 62 across the streets or from houses.

63       *Twentieth*—To regulate traffic and sales upon the streets, sidewalks and  
 64 public places.

65       *Twenty-first*—To regulate the speed of horses and other animals, vehicles,  
66 cars and locomotives within the limits of the corporation.

67       *Twenty-second*—To regulate the numbering of houses and lots.

68       *Twenty-third*—To name and change the name of any street, avenue, alley  
69 or other public place.

70       *Twenty-fourth*—To permit, regulate or prohibit the locating, constructing  
71 or laying a track of any horse railroad in any street, alley or public place; but  
72 such permission shall not be for a longer time than for twenty years.

73       *Twenty-fifth*—To provide for and change the location, grade and crossings  
74 of any railroad.

75       *Twenty-sixth*—To require railroad companies to fence their respective  
76 railroads, or any portion of the same, and to construct cattle guards, crossings  
77 of streets and public roads, and keep the same in repair, within the limits of  
78 the corporation. In case any railroad company shall fail to comply with any  
79 such ordinance, it shall be liable for all damages the owner of any cattle or  
80 horses or other domestic animal may sustain by reason of injuries thereto  
81 while on the track of such railroad, in like manner and extent as under the  
82 general laws of this State, relative to the fencing of railroads; and actions to  
83 recover such damages may be instituted before any justice of the peace or  
84 other court of competent jurisdiction.

85       *Twenty-seventh*—To require railroad companies to keep flagmen at rail-  
86 road crossings of streets, and provide protection against injury to persons and  
87 property in the use of such railroads. To compel such railroads to raise or  
88 lower their railroad tracks to conform to any grade which may, at any time,  
89 be established by said city, and where such tracks run lengthwise of any such  
90 street, alley or highway, to keep their railroad tracks on a level with the street  
91 surface, and so that such tracks may be crossed at any place on such street  
92 alley or highway. To compel and require railroad companies to make and

93 keep open and to keep in repair ditches, drains, sewers and culverts  
 94 along and under their railroad tracks, so that filthy or stagnant pools of water  
 95 can not stand on their grounds or right of way, and so that the natural drain-  
 96 age of adjacent property shall not be impeded.

97 *Twenty-eighth*—To construct and keep in repair bridges, viaducts and  
 98 tunnels, and to regulate the use thereof.

99 *Twenty-ninth*—To construct and keep in repair culverts, drains, sewers and  
 100 cesspools, and to regulate the use thereof.

101 *Thirtieth*—To deepen, widen, dock, cover, wall, alter or change channel of  
 102 water courses.

103 *Thirty-first*—To construct and keep in repair canals and slips for the ac-  
 104 commodation of commerce.

105 *Thirty-second*—To erect and keep in repair public landing places, wharves,  
 106 docks and levees.

107 *Thirty-third*—To regulate and control the use of public and private land-  
 108 ing places, wharves, docks and levees.

109 *Thirty-fourth*—To control and regulate the anchorage, moorage and land-  
 110 ing of all water craft and their cargoes within the jurisdiction of the corpor-  
 111 ation.

112 *Thirty-fifth*—To license, regulate and prohibit wharf boats, tugs and other  
 113 boats used about the harbor or within such jurisdiction.

114 *Thirty-sixth*—To fix the rate of wharfage and dockage.

115 *Thirty-seventh*—To collect wharfage and dockage from all boats, rafts or  
 116 other craft landing at or using any public landing place, wharf, dock or levee  
 117 within the limits of the corporation.

118 *Thirty-eighth*—To make regulations in regard to use of harbors, towing of  
 119 vessels, opening and passing of bridges.

120 *Thirty-ninth*—To appoint harbor masters and define their duties.



121       *Fortieth*—To provide for the cleansing and purification of waters, water  
 122 courses and canals, and the draining or filling of ponds on private property,  
 123 whenever necessary to prevent or abate nuisances.

124       *Forty-first*—To license, tax, regulate, suppress and prohibit hawkers, ped-  
 125 dlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions,  
 126 shows and amusements, and to revoke such license at pleasure.

127       *Forty-second*—To license, tax and regulate hackmen, draymen, omnibus  
 128 drivers, carters, cabmen, porters, expressmen and all others pursuing like oc-  
 129 cupations, and to prescribe their compensation.

130       *Forty-third*—To license, regulate, tax and restrain runners for stages,  
 131 cars, public houses, or other things or persons.

132       *Forty-fourth*—To license, regulate, tax or prohibit and suppress billiard,  
 133 bagatelle, pigeon hole or any other tables or implements kept or used for a  
 134 similar purpose in any place of public resort, pin alleys and ball  
 135 alleys.

136       *Forty-fifth*—To suppress bawdy and disorderly houses, houses of ill fame  
 137 or assignation, within the limits of the city and within three miles of the outer  
 138 boundaries of the city; and also to suppress gaming and gambling  
 139 houses, lotteries and all fraudulent devices and practices, for the purpose of  
 140 gaining or obtaining money or property: and to prohibit the sale or exhibition  
 141 of obscene or immoral publications, prints, pictures or illustrations.

142       *Forty-sixth*—To license, regulate and prohibit the selling or giving away  
 143 of any intoxicating, malt, vinous, mixed or fermented liquor, the license not  
 144 to extend beyond the municipal year in which it shall be granted, and to de-  
 145 termine the amount to be paid for such license: *Provided*, that the city  
 146 council in cities, or president and board of trustees in villages, may grant per-  
 147 mits to druggists for the sale of liquors for medicinal, mechanical, sacra-  
 148 mental and chemical purposes only, subject to forfeiture, and under such re-



149 strictions and regulations as may be provided by ordinance: *Provided, fur-*  
 150 *ther*, that in granting licenses, such corporate authorities shall comply with  
 151 whatever general law of the State may be in force relative to the granting  
 152 of licenses.

153 *Forty-seventh*—The foregoing shall not be construed to affect the provi-  
 154 sions of the charter of any literary institution heretofore granted.

155 *Forty-eighth*—And the city coun cil in cities, and president and board  
 156 of trustees in villages, shall also have the power to forbid and punish the sell-  
 157 ing or giving away of any intoxicating, malt, vinous, mixed or fermented  
 158 liquor to any minor, apprentice or servant, or insane, idiotic or distracted  
 159 person, habitual drunkard, or person intoxicated.

160 *Forty-ninth*—To establish markets and market houses, and provide for  
 161 the regulation and use thereof.

162 *Fiftieth*—To regulate the sale of meats, poultry, fish, butter, cheese, lard,  
 163 vegetables and all other provisions, and to provide for place and manner of  
 164 selling the same.

165 *Fifty-first*—To prevent and punish forestalling and regrating.

166 *Fifty-second*—To regulate the sale of bread in the city or village, prescribe  
 167 the weight and quality of the bread in the loaf.

168 *Fifty-third*—To provide for and regulate the inspection of meats, poul-  
 169 try, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other  
 170 provisions.

171 *Fifty-fourth*—To regulate the inspection, weighing and measuring of brick,  
 172 lumber, fire wood, coal, hay and any article of merchandise.

173 *Fifty-fifth*—To provide for the inspection and sealing of weights and  
 174 measures.

175 *Fifty-sixth*—To enforce the keeping and use of proper weights and meas-  
 176 ures by vendors.

177     *Fifty-seventh*—To regulate the construction, repairs and use of vaults,  
 178 cisterns, areas, hydrants, pumps, sewers and gutters.

179     *Fifty-eighth*—To regulate places of amusement.

180     *Fifty-ninth*—To prevent intoxication, fighting, quarreling, dog fights, cock  
 181 fights and all disorderly conduct.

182     *Sixtieth*—To regulate partition fences and party walls.

183     *Sixty-first*—To prescribe the thickness, strength and manner of construct-  
 184 ing stone, brick and other buildings, and construction of fire escapes  
 185 therein.

186     *Sixty-second*—The city council, and the president and trustees in vil-  
 187 lages, for the purpose of guarding against the calamities of fire, shall  
 188 have power to prescribe the limits within which wooden buildings shall not  
 189 be erected or placed, or repaired, without permission, and to direct that all  
 190 and any buildings within the fire limits, when the same shall have been dam-  
 191 aged by fire, decay or otherwise, to the extent of fifty per cent of the value,  
 192 shall be torn down or removed, and to prescribe the manner of ascertaining  
 193 such damage.

194     *Sixty-third*—To prevent the dangerous construction and condition of  
 195 chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus  
 196 used in and about any building and manufactory, and to cause the same to  
 197 be removed or placed in a safe condition, when considered dangerous; to  
 198 regulate and prevent the carrying on of manufactories dangerous in caus-  
 199 ing and prompting (promoting) fires; to prevent the deposit of ashes in un-  
 200 safe places, and to cause all such buildings and enclosures as may be in a  
 201 dangerous state to be put in a safe condition.

202     *Sixty-fourth*—To erect engine houses, and provide fire engines, hose carts,  
 203 hooks and ladders and other implements for prevention and extinguishment  
 204 of fires, and provide for the use and management of the same by voluntary  
 205 fire companies or otherwise.

206       *Sixty-fifth*—To regulate and prevent storage of gunpowder, tar, pitch, re-  
 207 sin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or  
 208 any of the products thereof, and other combustible or explosive material, and  
 209 the use of lights in stables, shops and other places, and the building of bon-  
 210 fires; also to regulate and restrain the use of fireworks, firecrackers, torpe-  
 211 does, Roman candles, sky rockets and other pyrotechnic displays.

212       *Sixty-sixth*—To regulate the police of the city or village, and pass and  
 213 enforce all necessary police ordinances.

214       *Sixty-seventh*—To provide for the inspection of steam boilers.

215       *Sixty-eighth*—To prescribe the duties and powers of a superintendent of  
 216 police, policemen and watchmen.

217       *Sixty-ninth*—To establish and erect calaboooses, bridewells, houses of cor-  
 218 rection and workhouses for the reformation and confinement of vagrants,  
 219 idle and disorderly persons, and persons convicted of violating any city or vil-  
 220 lage ordinance, and make rules and regulations for the government of the same,  
 221 and appoint necessary keepers and assistants.

222       *Seventieth*—To use the county jail for the confinement or punishment of  
 223 offenders, subject to such conditions as are imposed by law, and with the con-  
 224 sent of the county board.

225       *Seventy-first*—To provide by ordinance in regard to the relation between  
 226 all the officers and employes of the corporation in respect to each other, the  
 227 corporation and the people.

228       *Seventy-second*—To prevent and suppress riots, routs, affrays, noises, dis-  
 229 turbances, disorderly assemblies in any public or private place.

230       *Seventy-third*—To prohibit and punish cruelty to animals.

231       *Seventy-fourth*—To restrain and punish vagrants, mendicants and prosti-  
 232 tutes.



233       *Seventy-fifth*—To declare what shall be a nuisance, and to abate the same;  
 234 and to impose fines upon parties who may create, continue or suffer nuisances  
 235 to exist.

236       *Seventy-sixth*—To appoint a board of health, and prescribe its powers and  
 237 duties.

238       *Seventy-seventh*—To erect and establish hospitals and medical dispensa-  
 239 ries, and control and regulate the same.

240       *Seventy-eighth*—To do all acts, make all regulations which may be neces-  
 241 sary or expedient for the promotion of health or the suppression of  
 242 disease.

243       *Seventy-ninth*—To establish and regulate cemeteries, within or without the  
 244 corporation, and acquire lands therefor, by purchase or otherwise, and cause  
 245 cemeteries to be removed, and prohibit their establishment within one mile of  
 246 the corporation.

247       *Eightieth*—To regulate, restrain and prohibit the running at large of  
 248 horses, cattle, swine, sheep, goats geese and dogs, and to impose a tax on  
 249 dogs.

250       *Eighty-first*—To direct the location and regulate the management and con-  
 251 struction of packing houses, renderies, tallow chandleries, bone factories, soap  
 252 factories and tanneries, within the limits of the city or village, and within the  
 253 distance of one mile without the city or village limits.

254       *Eighty-second*—To direct the location and regulate the use and construc-  
 255 tion of breweries, distilleries, livery stables, blacksmith shops and founderies  
 256 within the limits of the city or village.

257       *Eighty-third*—To prohibit any offensive or unwholesome business or es-  
 258 tablishment within or within one mile of the limits of the corporation.

259       *Eighty-fourth*—To compel the owner of any grocery, cellar, soap or tallow  
 260 chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nause-



ous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

*Eighty-fifth*—The city council or trustees of a village shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

*Eighty-sixth*—To provide for the erection and care of all public buildings necessary for the use of the city or village.

*Eighty-seventh*—To establish ferries, toll bridges and license and regulate the same, and from time to time to fix tolls thereon.

*Eighty-eighth*—To authorize the construction of mills, mill races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

*Eighty-ninth*—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

*Ninetieth*—The city council or board of trustees shall have no power to grant the use of or the right to lay down any railroad tracks in any street of the city to any steam, dummy, electric, cable, horse or other railroad company, whether the same shall be incorporated under any general or special law of the State, now or hereafter in force, except upon the petition of the owners of the land representing more than one half of the frontage on the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by

290 the owners of the land representing more than one-half of the frontage of  
 291 each mile and of the fraction of a mile, if any in excess of the whole miles  
 292 measuring from the initial point named in such petition, of such street or of  
 293 the part thereof sought to be used for railroad purposes.

294 *Ninety-first*—To tax, license and regulate auctioneers, distillers, breweries,  
 295 lumber yards, livery stables, public sales, money changers, brokers, and per-  
 296 sons, firms and corporations, other than trust companies and banks, loaning  
 297 money in sums less than \$200.00 upon chattel security or assignment of wages  
 298 or salary.

299 *Ninety-second*—To prevent and regulate the rolling of hoops, playing of  
 300 ball, flying of kites, or any other amusement or practice having a tendency to  
 301 annoy persons passing in the streets or on the sidewalks, or to frighten teams  
 302 and horses.

303 *Ninety-third*—To regulate and prohibit the keeping of any lumber yard,  
 304 and the placing or piling or selling any lumber, timber, wood or other com-  
 305 bustible material, within the fire limits of the city.

306 *Ninety-fourth*—To provide by ordinance, that all the paper, printing,  
 307 stationery, blanks, fuel, and all the supplies needed for the use of the city, shall  
 308 be furnished by contract let to the lowest bidder.

309 *Ninety-fifth*—To tax, license and regulate second hand dealers and all  
 310 dealers in junk or waste material of any kind, new or old, in large or small  
 311 quantities and regulate the storage of junk or any kind of waste material in  
 312 any street or place and forbid their purchasing from minors without the writ-  
 313 ten consent of their parents or guardians, any second handed article, junk or  
 314 waste material of any kind whatsoever.

315 *Ninety-sixth*—To direct, license and control all wagons and other vehicles  
 316 conveying loads within the city, or any particular class of such wagons and  
 317 other vehicles, and prescribe the width and tire of the same, the license fee

318 when collected to be kept as a separate fund and used only for paying the  
319 cost and expense of street or alley improvement or repair.

320 *Ninety-seventh*—To pass all ordinances, rules, and make all regulations,  
321 proper or necessary, to carry into effect the powers granted to cities or vil-  
322 lages, with such fines or penalties as the city council or board of trustees shall  
323 deem proper: *Provided*, no fine or penalty shall exceed \$200.00, and no im-  
324 prisonment shall exceed six months for one offense.





- 1 Introduced by Mr. McLaughlin, May 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Labor and Indus-  
trial Affairs.

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## A BILL

For an Act to provide for procuring information in regard to employers' liability  
and workingmen's compensation laws of England, France and Germany.

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WHEREAS, It is believed that much of the friction between employer and  
2 employees could be removed by the enactment of laws defining the liability of  
3 employers for injuries to employees and providing for fair compensation there  
4 for to employees; and,

5 WHEREAS, Such laws have been in force in England, France and Germany  
6 for a sufficient length of time to furnish a knowledge of the workings of such  
7 laws; and,

8 WHEREAS, No laws of like character have been in force in the United States  
9 whose results and workings would furnish a safe guide in any new legislation

10 of this character; and it is not fair, either to employe or employer, to enact  
 11 new legislation without learning the wisdom gathered by the experience of  
 12 those nations where such laws have been in force; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, repre-*  
 2 *sented in the General Assembly:* APPOINTMENT OF COMMISSIONERS.] That there  
 3 shall be appointed by the Governor, with the consent of the Senate, within  
 4 thirty days after the passage of this Act, seven (7) commissioners, two (2)  
 5 representing employers, two (2) representing employes, one (1) university  
 6 professor, one (1) surgeon and one (1) lawyer; each of the last three to be  
 7 men of large learning and experience in personal injury questions, as con-  
 8 nected with their respective professions. Said commission shall meet at such  
 9 time and place as the Governor may appoint and organize by the election of  
 10 a president, a vice president and a secretary. A majority of said commission  
 11 shall constitute a quorum for the transaction of business. Members of said  
 12 commission shall receive no compensation except their actual expenses, and  
 13 all vacancies in said commission, which may occur by death, resignation or other-  
 14 wise, shall be filled by the Governor.

Sec. 2. DUTIES OF THE COMMISSION.] It shall be the duty of this commis-  
 2 sion to visit England, France and Germany, inquire into the laws of each of  
 3 said countries relating to employer's liability and workingmen's compensation  
 4 for injuries received in their employment, to ascertain such facts in regard to  
 5 said laws as may be helpful to this State in its legislation on said subjects,  
 6 and to report them to the.....

7 Said commission shall start on its tour of investigation within twenty days  
 8 after its organization, and shall spend not to exceed three months, exclusive of  
 9 ocean travel, in such investigation.

Sec. 3. APPROPRIATION—PAYMENTS, HOW MADE.] For the purpose of paying

2 the cost of said commission there is hereby appropriated, out of any moneys  
3 in the treasury not otherwise appropriated, the sum of.....  
4 dollars. All payments shall be made on vouchers signed by the president and  
5 the secretary and approved by the Governor, upon which the Auditor of Public  
6 Accounts is hereby required to draw his warrant on the Treasurer of the State  
7 for the sum so approved, payable out of the appropriation hereby made.





- 1 Introduced by Committee on Judiciary, May 5, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to amend an Act entitled, “An Act to give circuit courts, in term time, and judges thereof in vacation, concurrent jurisdiction with the county courts, in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts and the operation thereof,” approved May 24, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That circuit courts in term time, and the judges  
3 thereof in vacation, be and the same are hereby given concurrent jurisdiction  
4 with county courts, in all matters pertaining to the organization of farm drain  
5 age districts and farm drainage and levee districts, and the operation thereof,  
6 and when proceedings under this Act are pending in the circuit court, such  
7 court shall have power, either in term time or vacation, to make all necessary  
8 orders affecting the district or its officers as fully as is now vested in county  
9 courts; and the clerk of the circuit court shall, when the proceeding is pending

10 in the circuit court, do and perform in the premises each and all duty or duties  
11 required by the clerk of the county court in drainage and levee matters, when  
12 such proceedings are pending therein; and all reports, complaints, oaths, affirma-  
13 tions, confirmations and returns in such matters required to be made to the  
14 county court shall be made in the circuit court, when the proceeding is pending  
15 therein.

Sec. 2. All Acts or parts of an Act in conflict herewith are hereby  
2 repealed.

Sec. 3. WHEREAS, An emergency exists, therefore this Act shall take effect  
2 and be in force from and after its passage.

- 1 Introduced by Mr. E. J. Murphy, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

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## A BILL

For an Act prohibiting the use of celluloid films in moving picture machines or  
other apparatus or device and fixing a penalty therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the use of celluloid films in any machine, ap-  
3 paratus or device, whereby moving pictures are exhibited to the public is here  
4 by prohibited.

Sec. 2. Any person, firm or corporation who shall knowingly operate or per-  
2 mit to be operated in his or its behalf any machine, apparatus or device equipped  
3 with any film prohibited by section 1 of this Act shall be guilty of a misdemeanor  
4 and upon conviction be fined in a sum not less than one hundred (\$100.00) dol-  
5 lars nor more than five hundred (\$500.00) dollars or confined in the county jail  
6 not more than six (6) months.





- 1 Introduced by Mr. Abrahams, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

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## A BILL

For an Act making it unlawful for any member of the Legislature of the State of Illinois to receive, take, have issued to him, or to any other person or persons for him, or use, directly or indirectly, any pass, complimentary ticket or transportation, or any other form or kind of free or reduced-fare transportation on, or upon any steam or electric railroad, inter-urban railroad, street railway, or other railroad or railway in the State of Illinois, and to provide penalties for the violation of the provisions thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be unlawful for any member of the  
3 Legislature of the State of Illinois to receive, take, have issued to him or to  
4 any other person or persons for him, or use, directly or indirectly, any pass,  
5 complimentary ticket or transportation or any other form or kind of free or re-  
6 duced fare transportation, on, or upon any steam or electric railroad, inter-  
7 urban railroad, street railway or other railroad or railway in the State of  
8 Illinois.

Sec. 2. Any member of the Legislature who shall violate the provisions  
2 of section one of this Act shall be deemed and held guilty of a misdemeanor,  
3 and upon conviction thereof, shall be fined not less than five hundred dollars  
4 (\$500) nor more than one thousand dollars (\$1,000) or imprisoned in the county  
5 jail of any county of the State where such violation has taken place, and the  
6 conviction therefor is had, for the term of six (6) months, or both: *And, pro-*  
7 *vided*, that each separate violation of the provisions of this Act shall be deemed  
8 a separate and distinct offense.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Abrahams, by request, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

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## A BILL

For an Act to provide for and fix the compensation of the members of the General  
Assembly of the State of Illinois.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the members of the General Assembly here-  
3 after elected shall receive for their services the sum of two thousand five hun-  
4 dred dollars (\$2,500) per annum, payable annually upon the tenth day of Jan-  
5 uary of each and every year of the term for which they are elected, and ten  
6 (10) cents per mile for each mile necessarily traveled in going to and return-  
7 ing from the seat of government at each session, to be computed by the Aud-  
8 itor of Public Accounts; and no other allowances or emoluments, directly or  
9 indirectly, for any purpose whatsoever, except the sum of fifty dollars (\$50)  
10 per session to each member, which shall be in full for stationery, newspapers,  
11 postage and all other incidental expenses and perquisites.

Sec. 2. The pay and mileage allowed to each member of the General Assembly shall be certified to by the President of the Senate and the Speaker of the House of Representatives, and entered upon the Journal and published at the close of the session.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.



- 1 Introduced by Mr. Geshkewich, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

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## A BILL

For an Act to regulate the gearing and speed of automobiles, auto cabs, taxicabs or other horseless vehicles.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful to use, propel or drive in this State, either in public or private use, upon or in any public street or in and upon any public highway, parks, boulevards, street, alley or any other public grounds or premises that have been dedicated to, or appropriated by, the public for the use of the public, any automobile, auto cab, taxicab, or other horseless vehicle that is not propelled, or run over and upon rails or trams, which is geared with a higher possible speed or power than twenty (20) miles per hour.

Sec. 2. Any person who shall use, propel or drive, in this State, either in public or private use, upon or in any public street, or in or upon any public

3 highway, park, boulevard, street, alley, or any other public grounds or prem-  
4 ises-that have been dedicated to, or appropriated by the public for the use  
5 of the public, any automobile, auto cab, taxicab, or other horseless vehicle that  
6 is not propelled or run over and upon rails or trams, which is geared with a  
7 higher possible speed or power than twenty (20) miles per hour, shall be deemed  
8 and held to be guilty of a misdemeanor, and upon conviction thereof shall be  
9 fined in any sum not less than one hundred dollars (\$100) nor more than two  
10 hundred dollars (\$200), or by imprisonment in the county jail for a term of  
11 six (6) months, or both.

Sec. 3. Any and all Acts or parts of Acts in conflict herewith are  
2 hereby repealed.

- 1 Introduced by Mr. Geshkewich, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous  
Subjects.

## A BILL

For an Act to regulate the speed of automobiles, auto cabs, taxicabs, or other horseless vehicles in and within the corporate limits of any incorporated city or village and providing penalties for violations of the provisions thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be unlawful for any automobile, auto  
3 cab, taxicab, or other horseless vehicles in this State, either in public or private  
4 use, and which is not propelled or run over and upon rails or trams, to be run,  
5 propelled or driven, on or in any public highways, parks, boulevard, street or  
6 alley, or other public grounds that have been dedicated to the public use, when  
7 located and situated in and within the corporate limits or boundaries of any  
8 incorporated city or village of this State, at a greater rate of speed than eight  
9 (8) miles per hour.

Sec. 2. Any person who shall run, propel, drive or operate any automobile,  
2 auto cab, taxicab, or other horseless vehicle not propelled or run over and upon  
3 rails or trams, on or in any public highway, park, boulevard, street or alley,  
4 or other public grounds that have been dedicated to public use, when located and  
5 situated in and within the corporate limits or boundaries of any incorporated  
6 city or village, in this State, at a greater rate of speed than eight (8) miles per  
7 hour, shall be deemed guilty of a misdemeanor and upon conviction thereof  
8 shall be fined in any sum not less than one hundred dollars (\$100) nor more  
9 than two hundred dollars (\$200), or by imprisonment in the county jail for a  
10 term of sixty days, or both.

Sec. 3. It shall be the duty of the State's attorneys of the several counties  
2 in this State to prosecute any and all violations of the provisions of this Act,  
3 when same are brought to their attention. And any State's attorney in this  
4 State who fails or refuses to institute a prosecution for a violation of the pro-  
5 visions of this Act, when a violation has, in fact, taken place, and when violation  
6 is known to him, shall be deemed and held to be guilty of misfeasance in office  
7 and subject to the penalties provided by law therefor.

Sec. 4. Any and all parts of Acts inconsistent and in conflict herewith are  
2 hereby repealed.



- 1 Introduced by Mr. Flannigen, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

## A BILL

For an Act to amend section 76 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 76 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, be amended, so that when amended, the same shall read as follows, to wit:

Sec. 76. Notice shall be given by advertisement in some newspaper, adopted for that purpose, by the Board of Local Improvements, by an order entered in their records, that bids will be received for the construction of such improvement, either as a whole or in such sections as the board shall specify in its notice, in accordance with the ordinance therefor; which notice shall state the time of opening such bids (not more than twenty five (25) nor less than eighteen (18) days thereafter), and shall further state where the speci-

12 feations for such improvements are to be found, and whether the contractors  
13 are to be paid in cash or in bonds, and if in bonds, then the rate of interest  
14 such vouchers or bonds shall draw. If no newspaper be published in said muni-  
15 cipality, then four such notices shall be posted, all of which shall be in the vicin-  
16 ity of the proposed improvement. Proposals or bids may be made either for  
17 such work as a whole or for such specified sections thereof. All proposals or  
18 bids offered shall be accompanied by cash or by a check, payable to the order  
19 of the president of the Board of Local Improvements in his official capacity,  
20 certified by a responsible bank, for an amount which shall not be less than ten  
21 (10) per centum of the aggregate of the proposal. Said proposals or bids shall  
22 be delivered to the Board of Local Improvements, and said board shall, in  
23 open session, at the time and place fixed in said notice, examine and publicly  
24 declare the same: *Provided, however,* that no proposals nor bids shall be con-  
25 sidered unless accompanied by such check or cash.

- 1 Introduced by Mr. Flannigen, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

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## A BILL

For an Act to authorize the levy of an annual tax in cities, villages and incorporated towns to pay benefits assessed upon or to be paid by such city, village or incorporated town for the making of local improvements and lawful expenses incident thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in addition to the taxes now or hereafter authorized to be annually levied and collected, the corporate authorities of all cities, villages and incorporated towns in this State be and they are hereby authorized and empowered annually to levy and collect a tax not to exceed two mills on the dollar on all taxable property; which said tax, with such other funds as may be provided from other or additional sources, funds, or levies, shall be appropriated or applied to the payment of such portion of the cost of local improvements then made or to be made, and lawful expenses incident

10 thereto, as may be taxed, assessed or otherwise charged upon or against such  
11 municipality as and for public benefits, or as the portion of the cost of such  
12 improvement and lawful expenses incident thereto, payable by such municipal-  
13 ity as its portion of the cost of such improvements.



- 1 Introduced by Mr. Parker, May 5, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

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**A BILL**

For an Act to make an appropriation to enable the State to comply with the laws of the United States in relation to the navigability of the Chicago river.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* The sum of fifteen thousand (\$15,000) dollars be and the same is hereby appropriated for the purpose of constructing and repairing docks along the south fork of the south branch of the Chicago river, as required by the United States government, in order to provide for the navigation of the river, and east of Ashland avenue and adjacent to State property.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum hereby appropriated, upon the order of the president and secretary of the Canal Commissioners, with their corporate seal attached.

Sec. 3. Said work shall be done by the Canal Commissioners.



1 Introduced by Mr. Bush, May 5, 1909.

2 Read by title, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to make additional appropriation to carry out the provisions of “An Act creating a commission and providing for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet, and making an appropriation therefor.”

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there is hereby appropriated the additional  
3 sum of one hundred thousand dollars for the year ending June 30, 1910, and  
4 one hundred thousand dollars for the year ending June 30, 1911, for the pur-  
5 pose of carrying into effect “An Act creating a commission and providing for  
6 the acquisition of land for the re-location of the Illinois State Penitentiary, and  
7 the Illinois Asylum for Insane Criminals, and for the building of a new Illinois  
8 State Penitentiary and a new Illinois Asylum for Insane Criminals at or near  
9 the city of Joliet, and making an appropriation therefor,” approved June 5,  
10 1907, in force July 1, 1907.

Sec. 2. The Auditor of Public Accounts is hereby directed and empowered  
2 to pay out upon vouchers all or any part of the sum hereby appropriated upon  
3 vouchers signed by a majority of the commissioners to be appointed by the  
4 provisions of the Act, the title of which is herein above set out.



- 1 Introduced by Mr. Shanahan, by request, May 6, 1909.  
2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act in relation to assignment of wages.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* No assignment of wages unearned at the time of  
3 the execution of such assignment shall be valid so as to vest any legal or equit-  
4 able interest in the assignee unless:

5 (a) It be in writing signed by the assignor;

6 (b) The assignment be acknowledged by the assignor, in person, before a  
7 Justice of the peace in the township where the assignor resides, or before the  
8 county judge, or the clerk, or any deputy clerk of and municipal court, in the  
9 county where such assignor resides;

10 (c) The written consent of the husband or wife of the assignor, if mar-  
11 ried, be attached to the assignment and be duly acknowledged before an officer  
12 authorized to take acknowledgments;

13       (d) A copy of the assignment and of the certificate of its acknowledg-  
14 ment be, within three days from the date of the execution of such assignment,  
15 personally served upon the person, firm, or corporation, by whom such assignor  
16 is then employed.

Sec. 2. The said justice of the peace, county judge, clerk, or deputy clerk,  
2 of the municipal court, taking the acknowledgment of the execution of such  
3 assignment, shall enter in a docket, or in some book kept for that purpose, a  
4 memorandum giving:

5       (a) Names of assignor and assignee;

6       (b) Date of acknowledgment;

7       (c) The wages assigned, from whom to become due and the amount of the  
8 debt secured by such assignment.

Sec. 3. No assignment of wages to be earned in the future shall be valid  
2 against a creditor of the assignor, unless docketed as prescribed in the fore-  
3 going section.

Sec. 4. Every assignment of unearned wages which are to be earned, in  
2 whole or in part, more than six months from and after the making of such as-  
3 signment, shall be absolutely void.

Sec. 5. Whenever any person, firm or corporation, shall bring, or threaten  
2 to bring, any action to enforce any assignment of wages unearned at the date  
3 of the execution of the assignment, which has not been duly executed, acknowl-  
4 edged and a copy served, and the written consent of husband or wife, if as-  
5 signor is married, duly obtained, in conformity with the provisions of this Act,  
6 courts of equity shall have full power, upon application either of the assignor,  
7 or his or her husband or wife, as the case may be, to perpetually enjoin the  
8 threatened or attempted enforcement of such assignment.

Sec. 6. The invalidity of any portion or section of this Act shall not render  
2 invalid any other provision or section.





- 1 Introduced by F. W. Shepherd, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on County and Town-  
ship Organization.

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## A BILL

For an Act to amend section 1 of "An Act to provide for the payment of bounties  
for killing crows," in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented  
in the General Assembly:* That section 1 of "An Act to provide for the pay-  
ment of bounties for killing crows," in force July 1, 1907, be, and the same is  
hereby amended so as to read as follows:

Sec. 1. *That the county board of any county in this State may hereafter  
allow such bounty on crows and eggs taken from the nest of any crow as said  
board may deem reasonable, provided such board shall enter an order upon  
its record, setting forth the amount of such allowance for any one year, which  
bounty shall be paid in the manner hereinafter provided.*



- 
- 1 Introduced by Mr. F. W. Shepherd, May 6, 1909.
  - 2 Read by title, ordered printed and referred to Committee on County and Town-  
ship Organization.

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## A BILL

For an Act to amend section 1 of "An Act to provide for the payment of boun-  
ties for killing ground hogs," approved June 4, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 1 of "An Act to provide for the pay  
3 ment of bounties for killing ground hogs," approved June 4, 1907, in force  
4 July 1, 1907, be and the same is hereby amended so as to read as follows:

5     *Sec. 1. That the county board of any county in this State may hereafter*  
6 *allow such bounty on ground hogs as said board may deem reasonable: Pro*  
7 *vided, such board shall enter an order setting forth the amount of such allou*  
8 *ance for any one year, which bounty shall be paid in the manner hereinafter*  
9 *provided.*





- 1 Introduced by Mr. Carter, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.

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## A BILL

For an Act to amend section 27 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 27 of an Act entitled, "An Act concerning fees and salaries, and to classify the counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, and amended May 17, 1905, be, and the same is hereby amended so as to read as follows:

Sec. 27. County superintendents elected hereafter shall receive for their services in counties which, according to the census of 1900, contained a population not exceeding 12,000, \$1,250 per annum; in counties which, according to the

10 census of 1900, contained a population of more than 12,000 and not exceeding  
11 20,000, \$1,500 per annum; in counties which, according to the census of 1900,  
12 contained a population of more than 20,000 and not exceeding 28,000, \$1,800 per  
13 annum; in counties which, according to the census of 1900, contained a popula-  
14 tion of more than 28,000 and not exceeding 36,000, \$2,000 per annum; in  
15 counties which, according to the census of 1900, contained a population of more  
16 than 36,000 and not exceeding 50,000, \$2,250 per annum; in counties which, ac-  
17 cording to the census of 1900, contained a population of more than 50,000 and  
18 not exceeding 75,000, \$2,500 per annum; in counties which, according to the cen-  
19 sus of 1900, contained a population of more than 75,000 and not exceeding  
20 100,000, \$2,750 per annum, and in counties which, according to the census of  
21 1900, contained a population of more than 100,000, \$7,500 per annum, payable  
22 quarterly from the State School Fund: *Provided, however,* that the board of  
23 supervisors or board of county commissioners may allow additional compensa-  
24 tion for such services, payable quarterly from the county treasury. The Auditor  
25 in making his warrant to any county for the amount due it from the State School  
26 Fund, shall deduct from it, the several amounts for which warrants have been  
27 issued to the county superintendent of said county, since the preceding appor-  
28 tionment of the State School Fund.

AMENDMENTS TO

46th Assem.

HOUSE—No. 688

May 1909

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AMENDMENT NO. 1.

Amend title of House Bill No. 688 as printed by adding to the title of said bill the following: “as amended by an Act approved May 16, 1905, in force July 1, 1905.”

AMENDMENT NO. 2.

Amend House Bill No. 688, section 1 thereof, by striking out the following appearing at the end of line 5 and at the beginning of line 6, “amended May 17, 1905,” and insert in lieu thereof the following: “as amended by Act approved May 16, 1905, in force July 1, 1905.”

AMENDMENT NO. 3.

Amend House Bill No. 688 by inserting the words “in full” between the words “received” and “for” appearing on line 7 of said bill as printed.





- 1 Introduced by Mr. White, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

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## A BILL

For an Act to provide for an additional circuit judge in the Third Judicial Circuit of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it appears that the Third Judicial Circuit has  
3 greatly increased in population and in the volume of litigation in the circuit  
4 courts in said circuit, and that thereby said Third Judicial Circuit is entitled  
5 by section 23 of article 6, of the Constitution of this State to an additional cir-  
6 cuit judge, and therefore the number of circuit judges in the Third Judicial  
7 Circuit be and is hereby increased from three (3), its present number to four  
8 (4) circuit court judges.

Sec. 2. On or before the fourth Monday in May, A. D. 1909, the candi-  
2 date or candidates for said additional circuit court judgeship shall file a petition

3 with the required number of signatures of the voters in said Third Judicial Cir-  
4 cuit as provided by law, with the Secretary of State and on the first Monday in  
5 June, A. D. 1909, the election of said additional circuit court judge shall be  
6 held, whose term of office shall commence and expire the same as other cir-  
7 cuit court judges, and there shall be elected every six years thereafter at the  
8 same time and in the same manner as the other judges of the circuit court, four  
9 (4) circuit court judges in the Third Judicial Circuit, successors in office of the  
10 judges by this Act authorized to be elected.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 4. WHEREAS, an emergency exists, therefore this Act shall go into  
2 effect immediately upon its passage and approval by the Governor.

- 1 Introduced by Committee on Labor and Industrial Affairs, May 6, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

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## A BILL

For an Act to protect labor unions in their methods of distinguishing, designating  
and making known the products of labor of their members.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* This Act shall be known as the Trades Union  
3 Label Act.

Sec. 2. The word "label," as used in this Act, shall include any label,  
2 trade mark, term, design, device or form of advertisement heretofore adopted  
3 or used, or that may hereafter be adopted or used by any union of working  
4 men for the purposes hereinafter specified.

5 Any label, counterfeit or imitation of any label, shall be deemed and held  
6 to be attached to goods, wares, merchandise or other product of labor, if it  
7 be in any way attached, affixed, printed, painted, stamped or impressed to or  
8 upon such goods, wares, merchandise or other product of labor, or to or upon

9 the box, case or package containing such goods, wares, merchandise or other  
10 product of labor.

Sec. 3. Whenever any union of workingmen has heretofore adopted or  
2 used, or shall hereafter adopt or use, a label for the purpose of designating,  
3 making known or distinguishing any goods, wares, merchandise or other pro-  
4 duct of labor as having been made, manufactured, produced, prepared, packed  
5 or put on sale by a member or members of such union, it shall be unlawful to  
6 counterfeit or imitate such label, or to use, sell, offer for sale or in any way  
7 utter or circulate any counterfeit or imitation of any such label.

Sec. 4. Whoever counterfeits or imitates any such label, or sells, offers  
2 for sale or in any way utters or circulates any counterfeit or imitation label,  
3 or sells or disposes of any goods, wares, merchandise or other products of  
4 labor to which any such counterfeit or imitation is attached, or keeps or has  
5 in his possession with intent that same shall be sold or disposed of, any goods,  
6 wares, merchandise or other produce of labor to which any such counterfeit or  
7 imitation is attached, shall be punished by a fine of not less than \$100.00 nor  
8 more than \$500.00, or by imprisonment for not more than twelve months, or  
9 both.

Sec. 5. Every such union that has heretofore adopted or used, or shall  
2 hereafter adopt or use, a label, as provided in section 3 of this Act, may file  
3 the same for record in the office of the Secretary of State, by leaving two  
4 counterparts, or *fac similes* thereof, with said Secretary, and by filing therewith  
5 a sworn application, specifying the name of the union on whose behalf such  
6 label shall be filed; the class of merchandise and a description of the goods  
7 to which it has been or is intended to be appropriated, stating that the  
8 union on whose behalf such label shall be filed has the right to the use of the  
9 same; that no other person, firm, association, union or corporation has the



right to such use, either in the identical form or in such near resemblance thereto as may be calculated to deceive, and that the *fac similes* or counter-parts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Said Secretary shall deliver to such union, so causing to be filed any such label, so many duly attested certificates of the recording of the same as such union may from time to time apply for, for each of which certificates said Secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this Act, be sufficient proof of the adoption of such label and of compliance with this Act. Said Secretary of State shall not record for any person, firm, corporation, union or association any label that would be probably mistaken for any label theretofore filed under the supervision of this Act: *Provided*, that any union having once lawfully filed a label for record may record the same label, either in its original or in an amended form, as often as it deems advisable.

Sec. 6. Any person who shall, for himself or on behalf of any other person, firm, corporation, union or corporation, procure the filing of any label in the office of the Secretary of State by making any false or fraudulent representation or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not less than \$100.00 and not exceeding \$500.00, or by imprisonment not exceeding twelve months, or both.

Sec. 7. Every such union adopting or using a label as aforesaid, may proceed by suit to enjoin the unauthorized use, display or sale of such label, and the manufacture, use or sale of any counterfeit or imitation thereof;

4 and all courts of competent jurisdiction shall grant injunctions to restrain  
 5 such manufacture, use, display or sale, and may award the complainant in any  
 6 such suit damages resulting from such manufacture, use, sale or display as  
 7 may be by the said court deemed just and reasonable, and shall require the  
 8 defendants to pay to such union all profits derived from such wrongful man-  
 9 ufacture, use, display or sale; and such court shall also order that all such  
 10 labels, counterfeits or imitations in the possession or under the control of  
 11 any defendant in such case be delivered to an officer of the court, or to the  
 12 complainant, or be destroyed.

Sec. 8. In all cases where such union is not incorporated, civil suits un-  
 2 der this Act may be commenced and prosecuted by an officer or member of  
 3 such union on behalf of and for the use of such union.

Sec. 9. Every person who shall use or display the genuine label of any  
 2 such union in any manner, not being authorized so to do by such union, shall  
 3 be deemed guilty of a misdemeanor, and shall be punished by imprisonment  
 4 for not more than twelve months or by a fine of not more than five hundred  
 5 dollars (\$500.00), or both.

Sec. 10. Any person or persons who shall, in any way, use the name  
 2 or seal of any such union or officer thereof in and about the sale of goods  
 3 or otherwise, not being authorized to so use the same, shall be guilty of a  
 4 misdemeanor, and shall be punishable by imprisonment for not more than  
 5 twelve months, or by a fine of not more than five hundred dollars, or both.

Sec. 11. When complaint in writing, verified by affidavit, is made to any  
 2 court or officer, having authority to issue search warrants, showing that the  
 3 party complaining has reason to believe, and stating that he does believe, that  
 4 counterfeits or imitations of any label recorded under the provisions of this

5 Act. or tools, cuts, plates, machinery or materials prepared or provided for  
6 the making of such counterfeits or imitations are concealed in any house or  
7 place (particularly describing the same), such court or officers shall, if satis-  
8 fied that there is reasonable cause for such belief, issue a warrant to search  
9 such house or place for the articles described in the complaint.

Sec. 12. Search warrants issued under this Act shall be directed to and  
2 served and returned by the same officers and in the same manner as search  
3 warrants in other cases. The proceedings and practice, after return, shall  
4 conform as near as may be to the practice and proceedings in regard to search  
5 warrants in other cases, and property adjudged to have been properly seized  
6 by virtue of such warrants shall be burned or otherwise destroyed, under  
7 the direction of the judge, justice or court.





- 1 Introduced by Mr. Lawrence, by request, May 6, 1909.
- 2 Read by title. ordered printed and referred to Committee on Education.

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## A BILL

For an Act in relation to township high schools.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That whenever a school township composed of two  
3 political towns has established a township high school, and afterward the high  
4 school has been discontinued as to one of said towns, the school trustees  
5 of such township shall within thirty days of the discontinuance of such high  
6 school in such town proceed to the appointment of three appraisers, who shall  
7 not be citizens of the township interested. It shall be the duty of said appraisers  
8 within thirty days of their appointment, to appraise the school property both  
9 real and personal, of such high school district at the fair cash value. Within  
10 thirty days after such appraisalment, the trustees of the township concerned, shall  
11 proceed to charge the value of the property to the political town in which it  
12 shall be found, and to credit the other political town interested therein with its

13 proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the  
14 said district, shall first be deducted and the balance charged and credited as  
15 aforesaid; and the trustees shall direct the treasurer to place to the credit of  
16 the said town not retaining said property its proportion of the value of said prop-  
17 erty; and of the funds then on hand, or subsequently to accrue, belonging to  
18 such town to which such property is charged.

1. Introduced by Mr. Flagg, May 6, 1909.
2. Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act for the appointment of a commission to investigate and report on the feasibility of obtaining possession, in the name of the State, of the pre-historic Monks' mound, and to make an appropriation to pay the expenses of the commission.

WHEREAS, The world famed Monks' mound, in Madison county, now owned by the estate of the late Hon. Thomas T. Ramey, an honored member of the General Assemblies, is soon to be offered at public auction; and,

WHEREAS, This relic of the North American Mound Builders' work, whose historical value will ever increase, is worthy of preservation at the hands of the State—

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That* the Governor of this State be, and he

3 is hereby authorized to appoint a commission of five members, to be known  
4 as the Monks' Mound Commission, two members thereof to be appointed from  
5 the membership of the Illinois State Historical Society and three members  
6 from the State at large. The members of said commission shall serve without  
7 compensation, except that their actual expenses, when necessarily absent from  
8 their homes on said business, shall be paid.

Sec. 2. There is hereby appropriated the sum of one thousand (\$1,000)  
2 dollars for postage, stationery, printing, clerical and expert services, incidental  
3 and traveling expenses of the commission in the discharge of their duties; and  
4 the Auditor of Public Accounts is hereby authorized to draw his warrant for  
5 the foregoing amount, or any part thereof, upon presentation of itemized  
6 statements of such accounts, signed by a majority of said commission and ap-  
7 proved by the Governor.

Sec. 3. The duties of this commission shall be:

2 *First*—To investigate the historic importance of Monks' mound, to ascer-  
3 tain its adaptability for the purposes of a State park, and to ascertain the  
4 price for which the State can purchase the property.

5 *Second*—To report to the present General Assembly, or to the Forty-sev-  
6 enth General Assembly, such information, suggestions and recommendations re-  
7 specting Monks' mound as said commission may deem advisable.



- 1 Introduced by Mr. Behrens, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

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## A BILL

For an Act to prohibit the piping or conveying, beyond the borders of this State, by so-called pipe lines or otherwise, of any natural gas found beneath the surface of the soil within this State, and providing a penalty therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful to convey beyond the borders of this State, by so-called pipe lines or other means, any natural gas found underlying the surface of the soil in this State.

Sec. 2. Any person, firm, co-partnership, association or corporation violating the provision of this Act shall be subject to a fine of not less than five hundred dollars nor more than one thousand dollars, and to a further fine of five hundred dollars per day for each day such violation is permitted to be continued after the first conviction.

Sec. 3. It shall be the duty of the Attorney General to prosecute, in the  
2 name of the People of the State of Illinois, all violations of this Act, and  
3 the fines so imposed shall be covered into the State treasury.

1. Introduced by Mr. Behrens, by request, May 6, 1909.

2 Read by title, ordered printed and referred to Committee on Mines and Mining.

## A BILL

For an Act to provide for the safety of persons employed in and about the coal mines, and to prevent the employment of incompetent persons as assistant mine managers and night bosses, and providing for penalties for the violation of the same.

**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That hereafter no person whosoever shall be em-  
3 ployed, engaged or allowed to serve or act as assistant mine manager or night  
4 boss, who does not hold a certificate of competency as mine manager or mine  
5 examiner issued by the State Mining Board.

Sec. 2. That no person hereafter shall serve or be allowed to serve as  
2 assistant mine manager or night boss without having obtained the certificate  
3 as aforesaid, and no person shall employ any person as assistant mine mana-  
4 ger or night boss who does not hold such certificate as aforesaid; and no

5 superintendent or mine manager shall permit or suffer any person to be em-  
6 ployed under him or in the mines under his charge and supervision as night  
7 boss or assistant mine manager who does not hold such certificate. Any  
8 person or persons who shall fail for to comply with the provisions of this  
9 Act shall be guilty of a misdemeanor, and on conviction thereof shall be sen-  
10 tenced to pay a fine of not less than one hundred dollars (\$100.00) nor more  
11 than five hundred dollars (\$500.00), or shall undergo imprisonment for a  
12 term of not less than sixty nor more than ninety days, or either or both, at  
13 the discretion of the court.

Sec. 3. It shall be the duty of the State's attorneys to investigate all  
2 charges or complaints of violation or non-compliance of the provisions of this  
3 Act and prosecute all persons so offending.

4 All Acts in conflict herewith are hereby repealed.



- 1 Introduced by Mr. Church, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

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## A BILL

For an Act to provide for holding County Teachers' Institutes.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the county superintendent of each county  
3 shall hold annually an institute, which shall continue in session not fewer than  
4 five days, for the instruction of teachers and those who may desire to teach.  
5 With the concurrence of the Superintendent of Public Instruction he shall em-  
6 ploy such instructors as may be necessary to conduct such institute. The State  
7 Board of Education may prescribe the standard of qualifications to be required  
8 of such instructors. Two or more adjoining counties may hold an institute to  
9 gether.

Sec. 2. During the time the institute is in session the common schools of  
2 the county or counties holding the institute shall be closed, and the time ac-  
3 tually spent by the teachers in attendance upon the institute shall be considered

4 time lawfully spent in the service of the district, and no deduction of wages  
5 shall be made for such attendance.

Sec. 3. To defray the expenses of teachers' institutes there is hereby ap-  
2 propriated out of any moneys in the State Treasury not otherwise set apart  
3 the sum of two hundred and fifty dollars for each institute held in each county,  
4 or not to exceed four hundred dollars for each joint institute, and fifty cents  
5 additional for each teacher in actual and regular attendance, and regularly  
6 employed in the county or counties holding the institute, to be paid upon the  
7 warrant of the Auditor of State, issued upon an itemized statement of the ex-  
8 penses incurred in connection with the institute verified by affidavit by the  
9 superintendent or superintendents holding the institute, and approved by the  
10 State Board of Education.

Sec. 4. All Acts or parts of Acts in conflict herewith are hereby repealed

- 1 Introduced by Mr. Stearns, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act creating a commission and providing for the construction, use and control of a building for the use of the Illinois State Historical Library, the Illinois State Historical Society and other historical purposes and for securing a site and making an appropriation for such building and site.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That a commission consisting of the Governor, the  
3 Secretary of State, the three trustees of the Illinois State Historical Library  
4 and four members of the Illinois State Historical Society or other citizens in  
5 terested in the history of the State, to be designated by the Governor, is hereby  
6 constituted, with full power to carry out the provisions of this Act as hereby  
7 set forth.

Sec. 2. It shall be the duty of said commission to meet and organize as

2 soon as practicable after the taking effect of this Act, by electing one of the

3 members president and another secretary. Said commission shall thereafter  
4 secure a suitable site in the city of Springfield, Illinois, upon which to erect a  
5 building for the use of the Illinois State Historical Library, the Illinois State  
6 Historical Society and such other historical purposes as said commission shall,  
7 from time to time, designate. Said building may be erected upon some suitable  
8 site in said city on ground already owned by the State, or said commission may  
9 select and acquire title to, some other site in said city, either by donation, pur-  
10 chase or condemnation, and said commission is hereby invested with power to  
11 obtain title to such site by condemnation under the eminent domain laws of this  
12 State.

Sec. 3. After acquiring title to said site the said commission shall advertise  
2 for plans, designs and specifications for such building and the competition shall  
3 be open to all the architects of this State. Said commission shall make a selec-  
4 tion of plans, designs and specifications for a building, which together with the  
5 expense, if any there be, of the site, shall cost, when finally completed, not more  
6 than two hundred and fifty thousand dollars and said commission is hereby  
7 authorized to pay for such plans, designs and specifications a reasonable sum  
8 out of any moneys herein appropriated for the erection of such building.

Sec. 4. When such commission has secured the plans, designs and specifica-  
2 tions for the erection of such building they shall proceed to advertise for bids  
3 for the erection of the same, for at least thirty days, in at least one newspaper  
4 in each of the five cities in the State having the largest population, according to  
5 the last federal census, and shall let the contract for the construction of said  
6 building to the lowest and best responsible bidder, provided the commission  
7 shall have power to reject any and all bids and may advertise as many times  
8 as they think desirable.



Sec. 5. In order to carry out the provisions of this Act there is hereby  
2 appropriated the sum of two hundred and fifty thousand dollars and the Au-  
3 ditor of Public Accounts is hereby directed and empowered to pay out money  
4 to an amount not exceeding the amount so appropriated, for the purchase of said  
5 site, the preparation of the plans, designs and specifications and the construc-  
6 tion of said building, upon vouchers signed by a majority of the Commission  
7 herein named, out of any money in the treasury not otherwise appro-  
8 priated.

Sec. 6. After the completion of the building herein specified the books and  
2 collections of the Illinois State Historical Library shall be moved thereto; also  
3 the flags and exhibits in the room known as the "flag room" in the capitol  
4 building and such other historical exhibits, books and other articles as the com-  
5 mission shall determine, and the headquarters of the said State Historical Li-  
6 brary shall thereafter be located in said building, also the headquarters of  
7 State Historical Society and such other historical organizations as the commis-  
8 sion shall determine. Said building shall contain a separate space, of such size  
9 as is convenient and proper for each county in the State, wherein shall be ex-  
10 hibited the photographs, maps, documents, relics and other historical matter  
11 pertaining to that county, and there shall also be a room devoted to the historical  
12 matter pertaining to Abraham Lincoln, a room to Stephen A. Douglas and a  
13 room to Ulysses S. Grant. Said building shall be known as the "Hall of His-  
14 tory," the same to be open to the public, free of charge, during reasonable  
15 hours, as fixed by the commission, on all secular days except legal holidays.  
16 The care, custody and control of said building, when completed, shall be vested  
17 in the aforesaid commission, as constituted from time to time. The four mem-  
18 bers of said commission who do not hold *ex officio* shall be appointed by the  
19 Governor, and shall be members of the State Historical Society, or other citi-

20 zens interested in the history of the State and shall each hold office for the term  
21 of four years and until their successors are appointed. All members of said  
22 commission shall serve without salary, but may receive their actual expenses  
23 necessarily incurred while attending meetings of such commission.

1 Introduced by Mr. Crawford, May 6, 1909.

2 Read by title, ordered printed and referred to Committee Judicial Department  
and Practice.

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## A BILL

For an Act to provide for the appointment of assistant State's attorneys, and to  
fix the duties and compensation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That in counties of the first and second class, which  
3 have not adopted the Act to amend an Act entitled, "An Act concerning  
4 fees and salaries, and to classify the several counties of this State with ref-  
5 erence thereto," approved March 29, 1872, in force July 1, 1872; as amended  
6 by Act approved June 4, 1889, in force July 1, 1889; title as amended by Act  
7 approved March 28, 1874, in force July 1, 1874, by adding thereto eight new  
8 sections, to be known as sections 8a, 8b, 8c, 8d, 8e, 8f, 8g and 8h, approved  
9 May 15, 1903, in force July 1, 1903, when it shall appear to the presiding  
10 judge of the circuit court that it is necessary for the proper transaction of  
11 the business of the office of State's attorney, the court shall, at the first term

12 of the circuit court, held after the 1st day of July, 1909, and at the first term  
 13 of the circuit court held after the 1st day of July in each year thereafter,  
 14 upon the motion and recommendation of the State's attorney, by an order of  
 15 court, appoint some suitable person assistant to the State's attorney, who  
 16 shall hold said office of assistant to the State's attorney for one year, or until  
 17 his successor is duly appointed and qualified.

Sec. 2. OATH.] All assistants to the State's attorneys, who shall be  
 2 appointed under the provision of this Act shall, before entering upon the dis-  
 3 charge of the duties of their office, take and subscribe to the same oath now  
 4 required by law to be taken and subscribed to by the State's attorney.

Sec. 3. DUTIES OF ASSISTANT TO THE STATE'S ATTORNEYS.] The assistant to  
 2 the State's attorneys appointed under the provisions of this Act, shall perform  
 3 such duties under the direction of the State's attorney as are now provided  
 4 by law to be performed by the State's attorney, which may be assigned to  
 5 him by the State's attorney.

Sec. 4. COMPENSATION—HOW PAID.] The court, in the same order making  
 2 the appointment of an assistant to the State's attorney, as provided in sec-  
 3 tion one of this Act, shall fix the compensation of said assistant to the State's  
 4 attorney, in counties of the first class, at a sum not less than six hundred  
 5 dollars nor to exceed twelve hundred dollars per annum; and in counties of  
 6 the second class, at a sum not less than one thousand dollars nor more than  
 7 two thousand dollars per annum, to be paid out of the county treasury from  
 8 any funds not otherwise appropriated, upon the order of the clerk of the cir-  
 9 cuit court, countersigned by the presiding judge of the circuit court, in equal  
 10 quarterly payments.



- 1 Introduced by Mr. York, May 6, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

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## A BILL

For an Act to provide for the certification of teachers.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no one shall receive for teaching in the com-  
3 mon schools of this State any part of any public school fund who is not of  
4 good character, at least eighteen years of age and who does not, at the time  
5 he enters upon his duties, hold a certificate of qualification covering the entire  
6 period of his employment and granted by the Superintendent of Public Instruc-  
7 tion, a county superintendent or, in a city having a population exceeding  
8 100,000 inhabitants, by the board of education of such city.

Sec. 2. Certificates granted by the Superintendent of Public Instruction  
2 and the requirements for the same shall be as follows:

3 *First*—A life elementary school certificate for which the requirements shall  
4 be graduation from a recognized high school and from a recognized normal

5 school, or an equivalent preparation, and three years' successful teaching on  
 6 a first grade county certificate of which two shall have been in the State, a  
 7 successful examination in English, psychology, and the principles and methods  
 8 of teaching, and the preparation of a thesis on one or more elementary school  
 9 problems, the subject or subjects of which shall be selected from a list pre-  
 10 scribed by the State Board of Education.

11 *Second*—A life high school certificate for which the requirements shall be  
 12 graduation from a recognized college or university, or the completion of an  
 13 equivalent preparation, and three years' successful teaching, two of which  
 14 shall have been in the State on a first grade certificate; a successful exam-  
 15 ination in English, psychology, and the principles and methods of teaching, and  
 16 the preparation of a thesis on one or more secondary school problems, the sub-  
 17 ject or subjects of which shall be selected from a list prepared by the State  
 18 Board of Education.

19 *Third*—Supervisory certificates of two grades, first and second. A second  
 20 grade supervisory certificate shall be valid for five years for supervisory work  
 21 in any town, city, or county of the State and for teaching in the schools super-  
 22 vised by the holder. The requirements of such certificate shall be the same  
 23 as for a first grade elementary school certificate, and, in addition thereto, a  
 24 successful examination in psychology, the history of education, school supervi-  
 25 sion, administration and organization, and the school system and school laws  
 26 of Illinois: *Provided, however*, that successful experience in school supervi-  
 27 sion may be accepted in lieu of successful experience in teaching. This certifi-  
 28 cate shall be renewable for five year periods on satisfactory evidence of suc-  
 29 cessful teaching, or supervision, and of professional progress.

30 A first grade or life supervisory certificate shall be valid for supervisory  
 31 work in any town, city or county, and for teaching in any school in the State.  
 32 The requirements for this certificate shall be the same as for a life high school  
 33 certificate, with the exception that time spent in supervision may be counted

34 in lieu of teaching; and in addition thereto a successful examination in all the  
35 subjects required for a second grade supervisory certificate, sociology, and  
36 such other school systems of other states and countries as may be prescribed  
37 from time to time by the State Board of Education.

38 Life certificates in force at the time of the passage of this Act shall be  
39 valid for both teaching and supervising in any district in the State.

Sec. 3. Examinations for State certificates shall be held at such times and  
2 places and under such rules as may be prescribed by the State Board of  
3 Education. To each person who is successful in the examination for a State  
4 certificate the Superintendent of Public Instruction shall issue a certificate of  
5 the kind applied for, if, in his judgment, the personality of such applicant  
6 and his general qualifications other than scholarship prepare him for the work  
7 which the certificate would authorize him to perform.

Sec. 4. A life certificate shall be valid in any district of the State outside  
2 of cities having a population exceeding 100,000 inhabitants, but shall lapse  
3 three years after the person to whom it is issued ceases to engage in educa-  
4 tional work unless it shall have been renewed within that time by the Superin-  
5 tendent of Public Instruction. The holder of any certificate granted by the  
6 Superintendent of Public Instruction shall, annually, while he continues to  
7 teach, present his certificate to the county superintendent for registration.

Sec. 5. Certificates granted by the county superintendent and the require-  
2 ments for the same shall be as follows:

3 *First*—A third grade elementary school certificate, valid for one year in  
4 the elementary schools of the county in which it is issued, renewable once on  
5 evidence satisfactory to the county superintendent of not less than three  
6 months' successful teaching, and a second time if, in the period following the  
7 date of issuing the certificate, the holder shall have had twelve weeks' pro-



8 fessional training in any recognized school providing such training. Appli-  
9 cants for such certificates shall be required to pass an examination in such sub-  
10 jects of the elementary school curriculum as may be prescribed by the State  
11 Board of Education. The issuing of this form of certificate may be discon-  
12 tinued at the option of the State Board of Education.

13 *Second*—A second grade elementary school certificate, valid for two years.  
14 This certificate shall be renewable on evidence satisfactory to the county  
15 superintendent of six months' successful teaching, and a second time if in the  
16 period following the date of issuing the certificate the holder shall have ac-  
17 quired twenty-four weeks professional training in any recognized school pro-  
18 viding such training: *Provided, however,* that if acquired in exchange, under  
19 the provisions of this Act, such certificate shall be renewable indefinitely for  
20 periods of two years.

21 The requirements for this form of certificate shall be graduation from a  
22 recognized high school, or the completion of an equivalent preparation, and a  
23 successful examination in English, the methods of teaching, and such other  
24 subjects of the elementary school curriculum as may be prescribed by the State  
25 Board of Education: *Provided, however,* that this certificate may be issued  
26 without examination to graduates of recognized normal schools or of institu-  
27 tions offering an equivalent preparation.

28 *Third*—A first grade elementary school certificate, valid for three years,  
29 renewable indefinitely for periods of three years.

30 The requirements for this form of certificate shall be graduation from a  
31 recognized high school, or an equivalent preparation, and four years' teaching  
32 certified as successful by the county superintendent of each county in which the  
33 applicant has taught and an examination in English, the principles and methods  
34 of teaching and three other subjects to be selected by the applicant from a list  
35 of subjects prepared by the State Board of Education; or, in lieu of the fore-



36 going requirements, graduation from a recognized normal school, or from an  
37 institution offering an equivalent preparation, evidence satisfactory to the  
38 county superintendent of at least two years' successful teaching, and an ex-  
39 amination in English and the principles and methods of teaching.

40 *Fourth*—A limited high school certificate, valid for one year, and renew-  
41 able for a period of two years.

42 The requirements for this form of certificate shall be graduation from a  
43 recognized high school, or an equivalent preparation, and a certificate showing  
44 at least one year's successful work in a recognized higher institution of learn-  
45 ing, a successful examination in English, the principles and methods of teach-  
46 ing, and three high school subjects, one major and two minors, chosen from  
47 a list prepared by the State Board of Education. The issuing of this form of  
48 certificate shall be discontinued at the option of the State Board of  
49 Education.

50 *Fifth*—A high school certificate, valid for three years, renewable indef-  
51 initely for periods of three years.

52 The requirements for this form of certificate shall be graduation from a  
53 recognized high school, or an equivalent preparation, and a certificate showing  
54 the completion of at least two years' successful work in any higher institution  
55 of learning; an examination in English, the principles and methods of teach-  
56 ing and three other subjects, one major and two minors, chosen from a list  
57 prepared by the State Board of Education: *Provided, however*, that this cer-  
58 tificate may be issued to graduates of a recognized college or university, or  
59 any institution offering an equivalent preparation, who shall have had one year  
60 of successful teaching.

61 *Sixth*—A kindergarten certificate, valid for two years in any kindergarten  
62 of the State, and valid also in the first grade of the elementary schools, pro-  
63 viding the kindergarten training school of which the applicant is a graduate

64 gives adequate preparation for first grade work; renewable for three-year  
65 periods.

66 The requirements for this form of certificate shall be graduation from a  
67 recognized high school and from a recognized kindergarten training school, or  
68 the completion of an equivalent course; or, in lieu of graduation from such  
69 training school, such examination in English and the theory and practice of  
70 kindergarten work as may be prescribed by the State Board of Education.

71 *Seventh*—A special certificate, valid for two years in the elementary or  
72 high schools of the county in which it is issued, renewable for three-year pe-  
73 riods. Such certificate shall be issued only in music, drawing, manual training,  
74 domestic art, physical training and such other subjects as may be added by  
75 the State Board of Education, and shall authorize the holder to teach only the  
76 subject or subjects named in the certificate.

77 The requirements for this form of certificate shall be graduation from a  
78 recognized high school, or an equivalent preparation, and a certificate show-  
79 ing the completion in a recognized higher institution of learning of at least  
80 two years' special training in the subject or subjects, the candidate desires to  
81 teach; or, in lieu of such training, satisfactory evidence of four years' suc-  
82 cessful teaching of such subject or subjects; a successful examination in Eng-  
83 lish and the principles and methods of teaching.

Sec. 6. Examinations for county certificates shall be held at the various  
2 county seats on the same day, under such rules as may be prescribed by the  
3 State Board of Education, and questions for each examination shall be uni-  
4 form throughout the State. Such questions shall be forwarded to the county  
5 superintendents under seal, to be broken only at the time of opening the exam-  
6 ination and in the presence of the applicants. The county superintendent  
7 shall conduct the examination in his county, and at the close of the examina-  
8 tion the papers of each applicant shall be forwarded to the State Board of

9 Education, each paper being designated in such a manner as to conceal the  
10 identity of the writer, as prescribed by the State Board of Education. Such  
11 papers, when graded, shall be returned to the county superintendents from  
12 whom they were received, each of whom shall issue a certificate of the kind  
13 designated by the State Board of Education to each person in his county who  
14 shall have passed the examination, if, in his judgment, the personality of such  
15 applicant and his general qualifications, other than scholarship, fit him for the  
16 work of teaching.

Sec. 7. A county certificate, except a third grade elementary school cer-  
2 tificate and a second grade high school certificate, shall be valid in the county  
3 in which it is issued, and in any other county of the State when endorsed by  
4 the county superintendent of such other county. A certificate shall be renew-  
5 able only at its expiration, and no certificate shall be renewed except at the  
6 option of the superintendent issuing or endorsing it and on evidence satisfac-  
7 tory to such superintendent or successful teacher and professional progress.  
8 In determining such progress the superintendent shall take into consideration,  
9 and give credit for, professional reading done under his direction, attendance  
10 upon any recognized institution of learning, and upon institutes and teachers'  
11 meetings, and for active participation in the same.

Sec. 8. An applicant for a certificate who has not completed a high school  
2 course shall be admitted to an examination, set by the State Board of Educa-  
3 tion, on subjects announced in advance, for the purpose of determining whether  
4 such applicant possesses an equivalent preparation.

Sec. 9. Any person who holds, at the time this Act goes into effect, a valid  
2 county certificate to teach, may, with the approval of the county superinten-  
3 dent, exchange the same for a certificate of equal grade a second grade for  
4 a second grade elementary or a second grade high school certificate; a first



5 grade for a first grade elementary or a first grade high school certificate; a  
 6 special certificate for a special certificate; a kindergarten certificate for a kin-  
 7 dergarten certificate; or, in case the holder of a first grade certificate shall  
 8 have had three years of successful work as a supervisor of schools, he may,  
 9 with the approval of the Superintendent of Public Instruction, exchange such  
 10 certificate for a five-year supervisory certificate.

Sec. 10. In the examination of teachers for certificates higher than those  
 2 which they shall have received in exchange for certificates in force when this  
 3 Act goes into effect, and in the renewal of their certificates, successful expe-  
 4 rience in teaching shall be accepted as an equivalent for high school and pro-  
 5 fessional training.

Sec. 11. No fee shall be charged for the examination of an applicant for  
 2 any certificate issued under this Act, or for the renewal of the same.

Sec. 12. Any person who shall sell, trade, barter or give away, or offer  
 2 to sell, trade, barter or give away, to applicants for teachers' certificates, or  
 3 to any other person; or any person who shall buy, purchase, bargain or trade  
 4 for, or accept, any of the questions prepared by the State Board of Education  
 5 to be used in the examination of teachers, or in any way dispose of or accept  
 6 any of such questions, in violation of the rules prescribed by the State Board  
 7 of Education; or any person who shall reveal or give information which shall  
 8 reveal the identity of any writer of an examination paper, shall, on conviction,  
 9 be fined not less than \$25 nor more than \$100.

Sec. 13. By the word "recognized," as used in this Act in connection  
 2 with the word "school," "college" or "university," is meant such school, col-  
 3 lege or university as maintains an equipment, course of study and standard of  
 4 scholarship approved by the State Board of Education. The rules of such



5 board shall also be final in the matter of determining the meaning of the words  
6 "high school" and "equivalent preparation," as used in this Act, and of other  
7 words and phrases in this Act which have no recognized legal definition.

Sec. 14. Any certificate issued under this Act may be suspended or re-  
2 voked by the superintendent issuing or endorsing it, upon evidence of immor-  
3 ality, incompetency, unprofessional conduct or other just cause.

Sec. 15. All Acts or parts of Acts in conflict herewith are hereby re-  
2 pealed.

Sec. 16. This Act shall take effect and be in force on and after Janu-  
2 ary 1, 1911.



- 1 Introduced by Mr. Speaker, May 7, 1909.
- 2 Read first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to provide for the expenses of the committee authorized to be appointed under House Joint Resolution No. 20, adopted by the House April 14, 1909, and concurred in by the Senate, with amendments, May 5, 1909, and finally approved by the House May 7, 1909, to investigate into the reliability, efficiency and necessity of adopting the tuberculin test in the State of Illinois, and for other purposes, and making an appropriation of \$10,000 therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That for the purpose of paying the expenses here-  
3 after to be incurred by the joint investigating committee to be appointed in pur-  
4 suance of House Joint Resolution No. 20, adopted by the House April 14, 1909,  
5 and concurred in by the Senate May 5, 1909, and finally adopted by the House  
6 May 7, 1909, to investigate into the reliability, efficiency and necessity of adopt-  
7 ing the tuberculin test in the State of Illinois, and for other purposes, and for

8 the purpose of paying the incidental expenses connected with said investiga-  
9 tion, clerk hire, stenographers' fees and hire, and the actual traveling expenses  
10 of the committee while engaged upon the said work, there is hereby appro-  
11 priated for the use of said committee the sum of \$10,000, or so much thereof  
12 as may be required. All expenditures of said committee shall be certified to by  
13 the chairman of the said committee and the Speaker of the House of Represen-  
14 tatives or the Lieutenant Governor of Illinois.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrants upon the State Treasurer for the sum herein specified,  
3 upon the presentation of proper vouchers so certified as aforesaid, and the  
4 said Treasurer shall pay the same out of any funds in the State Treasury not  
5 otherwise appropriated.



- 1 Introduced by Mr. Keck, May 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section 42 of an Act entitled, “An Act concerning local improvements,” approved June 14, 1897, as amended by an Act of the General Assembly of the State of Illinois approved May 14, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 42 of “An Act concerning local improvements,” approved June 14, 1897, in force July 1, 1897, and the amendment thereto, approved May 14, 1903, and in force July 1, 1903, be and the same are hereby amended so as to read as follows:

Sec. 42. It shall be lawful to provide by the ordinance for any local improvement, any portion of the cost of which is to be defrayed by special assessment or special taxation, or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed, and each individual assessment, and also the assessment against the municipality on account of

11 property owned by the municipality and for public benefits, be divided into  
12 installments, not more than twenty (20) in number. In all cases such divisions  
13 shall be made so that all installments shall be equal in amount, except that all  
14 fractional amounts shall be added to the first installment, so as to leave the  
15 remaining installments of the aggregate equal in amount and each a multiple  
16 of one hundred dollars (\$100). The first installment shall be due and payable  
17 on the second day of January next after the date of the first voucher issued  
18 annually until all installments are paid; and it is hereby made the duty of the  
19 board of local improvement to file in the office of the clerk of the court in  
20 which such assessment was confirmed, a certificate signed by its secretary, of  
21 the date of said first voucher and of the amount thereof, within thirty (30) days  
22 after the issuance thereof. All installments shall bear interest as hereinafter  
23 provided until paid, at the rate of four (4) per cent per annum. Interest on  
24 assessments shall begin to run from the date of the first voucher issued on ac-  
25 count of work done as aforesaid. The interest on each installment shall be pay-  
26 able as follows: On the second day of January next succeeding the date of  
27 the first voucher aforesaid so certified as aforesaid, the interest accrued up  
28 to that time on all unpaid installments shall be due and payable and be collected  
29 with the installment, and thereafter the interest on all unpaid installments, then  
30 payable, shall be payable annually, and be due and payable at the same time  
31 as the installments maturing in such year and be collected therewith. In all  
32 cases it shall be the duty of the municipal collectors, as the case may be, when-  
33 ever payment is made of any installment, to collect interest thereon up to the  
34 date of such payment, whether such payment be made at or after maturity.  
35 Any person may at any time pay the whole assessment against any lot, piece  
36 or parcel of land, or any installment thereof, with interest as provided herein  
37 up to the date of payment. Whenever any city, town or village has hereto-  
38 fore levied for any public improvement a special tax or a special assessment,  
39 payable in not to exceed ten installments, of which all except the first draw

40 interest at any rate specified in the ordinance under the authority of which such  
41 improvement is made, not exceeding five (5) per cent per annum, and judg-  
42 ment has been duly entered in such proceeding confirming such tax or such  
43 assessment, payable as aforesaid, the judgment in such proceeding shall not  
44 be invalid because said assessment is so divided or because the rate of interest  
45 therein is fixed at five or at four per cent, as the case may be, but all such  
46 judgments, unless void for other reasons, shall be valid and enforceable. And  
47 when improvement bonds shall have been issued for the purpose of anticipating  
48 the collection of the deferred installments of any such special tax or assess-  
49 ment, such bonds shall not, if otherwise valid, be void either because of the  
50 number of series into which they are divided or the rate of interest they bear;  
51 but if such bonds are in other respects in compliance with the statutes of the  
52 State of Illinois in such case made and provided, they shall be valid and en-  
53 forceable to the extent that the tax or assessment against which they are levied  
54 is enforceable, or any re-levy thereof.





- 1 Introduced by Mr. Behrens, May 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

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## A BILL

For an Act to amend section 42 of article III of an Act entitled “An Act to establish and maintain a system of free schools,” approved May 21, 1889, and in force May 21, 1889, as heretofore amended.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 42 of article III of an Act entitled “An Act to establish and maintain a system of free schools,” approved May 21, 1889, and in force May 21, 1889, as heretofore amended, be and the same is hereby amended so as to read as follows:

Sec. 42. Two or more adjoining townships, or two or more adjoining school districts, whether in the same or different townships, may, upon like petition as required for township high schools, signed by at least fifty (50) legal voters in each of said townships or school districts, and where any such school district contains less than 150 voters, then such petition shall be signed by at

11 least one-third of the legal voters of such district, and upon an affirmative vote  
12 in each of such townships or districts, at an election held pursuant to the pro-  
13 visions of section 38 of this Act, establish and maintain, in the same manner  
14 as in this Act it is provided for township high schools, a high school for the  
15 benefit of the inhabitants of the territory described in such petition. And the  
16 inhabitants of any territory composed of parts of adjoining townships who are  
17 now maintaining a high school and who have elected a board of education, may  
18 create such territory a high school district, by a petition of fifty (50) legal  
19 voters of such district and by an affirmative vote in such district, and may  
20 elect a board of education therefor as in other high school districts. All such  
21 high schools may be discontinued in the same manner as township high schools:  
22 *Provided*, that any school district having a population of at least two thousand  
23 (2,000) inhabitants, may in the same manner as herein provided for establish-  
24 ing and maintaining a township high school establish and maintain a high  
25 school for the benefit of the inhabitants of such school district, and elect a board  
26 of education therefor with the same powers hereby conferred on township  
27 boards of education. *The territory of such district when so organized for high*  
28 *school purposes shall constitute a high school district for high school purposes*  
29 *distinct and separate from the common school district, having the same*  
30 *boundaries, and the high school board of education of such high school district*  
31 *shall have the same power to levy taxes and establish and maintain high schools*  
32 *as township high school boards of education organized under this Act possess,*  
33 *and such taxes shall be in addition to the taxes authorized to be levied by sec-*  
34 *tion 202, article VIII of "An Act to establish and maintain a system of free*  
35 *schools," approved and in force May 21, 1889, as heretofore amended. All*  
37 *school district which have heretofore organized under this section, elected a*  
38 *high school board of education, and are maintaining a high school, shall be re-*  
39 *garded as high school districts distinct and separate from the common school*  
40 *district having the same boundaries, and the high school board of education of*

41 *such high school district shall have the same power of taxation as township*  
42 *high school boards of education organized under this Act.*

43 *Any high school district organized under any provision of this Act shall*  
44 *have the right to annex territory to such district under the provisions of "An*  
45 *Act to provide for the annexation for township high school purposes, of any*  
46 *school township, or part of such township, not having an established high*  
47 *school to any adjacent school township having an established township high*  
48 *school," approved April 22, 1907, in force July 1, 1907, in the same manner, as*  
49 *near as may be, and to the same extent that a school township having an estab-*  
50 *lished township high school may do.*

51 *All attempted high school districts in which the inhabitants are maintain-*  
52 *ing a high school and have in good faith elected a board of education substan-*  
53 *tially as herein required are hereby declared to be valid and lawful high school*  
54 *districts and the board of education elected therefor legal boards of education.*





- 1 Introduced by Mr. Dudgeon, by request, May 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for county fairs or other agricultural societies of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of sixty thousand dollars (\$60,000) per annum, or so much thereof as may be annually necessary, be and the same is hereby appropriated to county fairs or other agricultural societies of the State of Illinois, said appropriation to be divided between such county fairs or agricultural societies which have complied with the conditions prescribed by section seven of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and Acts amendatory thereof: *Provided*, that the amounts to be paid to any county fair or agricultural society during any one year shall not exceed the sum of seventeen hundred dollars (\$1,700) each.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrants upon the State Treasurer for the moneys herein appro-  
3 priated in favor of the several county fairs or agricultural societies of this  
4 State who shall have complied with the provisions of section seven of the Act  
5 referred to herein, and the certificate of the State Board of Agriculture, signed  
6 by its president and attested by its secretary, shall be required by the Auditor  
7 of Public Accounts as proof of such compliance.

- 1 Introduced by Mr. Nelson, May 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 7 of an Act entitled “An Act to revise the law in relation to plats,” approved March 21, 1874, in force July 1, 1874, and to add thereto a new section to be known as section 7a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 7 of an Act entitled “An Act to revise the law in relation to plats,” approved March 21, 1874, in force July 1, 1874, be and the same is hereby amended, and that the said Act be and it is hereby further amended by adding thereto a new section to be known as section 7a, which said section 7 as amended and said new section 7a shall read as follows:

Sec. 7. Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: *Provided,* such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in the plat.

11       Sec. 7a. Nothing contained in sections 6 and 7 of this Act shall authorize  
12 the obstructing or closing of any public street or highway or any part thereof  
13 which has been accepted by any city, town, village or other municipality or which  
14 has been otherwise laid out according to law.

      Sec. 2. All Acts or parts of Acts in conflict with this Act are hereby re-  
2 .pealed.



- 1 Introduced by Mr. Shanahan, by request, May 7, 1909.
- 2 Read first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be and is hereby appropriated the sum  
3 of two million two hundred thousand dollars (\$2,200,000), or so much  
4 as may be necessary, to pay the officers and members of the next General  
5 Assembly and the salaries of the officers of the State government, at such rates  
6 of compensation as are now or hereafter may be fixed by law, until the expira-  
7 tion of the first fiscal quarter after the adjournment of the next regular ses-  
8 sion of the next General Assembly.



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- 1 Introduced by Mr. H. W. Wilson, by request, May 11, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

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**A BILL**

For an Act to amend section 8 of an Act entitled “An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named,” in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of “An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named,” in force July 1, 1899, be amended to read as follows:

Sec. 8. That any itinerant vendor of any drug, nostrum, ointment or appliance of any kind intended for the treatment of diseases or injuries, who shall, by writing or printing, or any other method, profess to the public to cure or to treat disease or deformity by any drug, nostrum or appliance, shall pay a license of \$100 per month into the treasury of the board, to be collected

10 by the board in the name of the People of the State of Illinois, for the use  
11 of said board. And it shall be lawful for the State Board of Health to issue  
12 such license on application to the said board, said license to be signed by the  
13 president of the board and attested by the secretary with the seal of the board;  
14 but said board may, for sufficient cause, refuse such license. And such itin-  
15 erant vendor who shall, by writing or printing, or any other method, profess  
16 to cure or treat disease or deformity by any drug, nostrum or appliance with-  
17 out a license to do so shall be deemed guilty of a violation of this section and,  
18 upon conviction, shall be subject to the penalties hereinafter provided: *And,*  
19 *provided, further,* that nothing in this Act shall be so construed as to apply  
20 to surgeons of the United States Army, Navy or Marine Hospital Service; nor  
21 to any registered physician or surgeon of other states when called in consulta-  
22 tion by a licensed physician of this State; nor to existing laws governing mid-  
23 wives, veterinary surgeons or osteopaths; nor to Christian Scientists; nor to  
24 the administration of domestic or family remedies in cases of emergency; nor  
25 to the practice of dentistry or pharmacy; nor to pharmaceutical preparations  
26 manufactured in compliance with state and federal food and drug laws; nor shall  
27 the advertisement, recommendation and sale of such pharmaceutical prepara-  
28 tions in original packages be construed as prescribing or practicing medicine  
29 within the meaning of section 7 of the said before entitled Act.



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- 1 Introduced by Committee on Railroads, May 11, 1909.
  - 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act requiring common carriers of freight to provide and maintain side-tracks and connections for shippers and receivers of freight.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Any railroad being a common carrier of freight,  
3 upon application of any shipper tendering or receiving freight or merchandise  
4 in carload lots, shall construct, maintain and operate, upon reasonable terms  
5 upon its own right of way at any regular station, a switch connection with  
6 any such shipper's railroad track which may be constructed to connect with  
7 its railroad upon its right of way, where such connection is reasonably prac-  
8 ticable and can be put in with safety and will furnish sufficient revenue busi-  
9 ness to such railroad company to justify the construction and maintenance of  
10 the same, and shall furnish cars for the movement of such traffic upon such  
11 switch upon its own rails to the best of its ability without discrimination in  
12 favor of or against any such shipper.

Sec. 2. If any such common carrier shall fail to install and operate any  
2 such switch and connection as aforesaid, on application therefor in writing by  
3 any such shipper, he may make complaint to the Railroad and Warehouse  
4 Commission, and the commission shall hear and investigate the same and shall  
5 determine as to the safety and practicability thereof and justification and rea-  
6 sonable compensation therefor, and the commission may make an order direct-  
7 ing the common carrier to comply with the provisions of this Act in accord-  
8 ance with such order; such order shall be enforced as other orders of the  
9 commission may be enforced, and said commission, if it shall decide that such  
10 sidetrack and connection shall be provided by such common carrier, may  
11 begin proceedings in any circuit court having jurisdiction over such railroad  
12 company to compel such railroad company to provide such sidetrack and con-  
13 nection.

1. Introduced by Mr. Lederer, May 11, 1909.

2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

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## A BILL

For an Act to amend section 65 of "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897; as amended by an Act approved and in force May 9, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 65 of an Act entitled "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897; as amended by an Act approved and in force May 9, 1901, be and the same is hereby amended so as to read as follows:

It shall be the duty of the collector, on or before the first day of April in each year, to make a report in writing to the general officer of the county authorized or to be designated by the general revenue laws of this State to apply for judgment and sell lands for taxes due the county and State, of all

10 the land, town lots, and real property on which he shall be unable to collect  
 11 special assessments, or installments thereof matured and payable, or interest  
 12 thereon, or interest due to the preceding January 2d on installments not yet  
 13 matured, on all warrants in his hands, with the amount of such delinquent spe-  
 14 cial assessment or installments and interest together with his warrants; or, in  
 15 case of an assessment levied to be paid by installments, with a brief descrip-  
 16 tion of the nature of the warrant or warrants received by him authorizing the  
 17 collection thereof, which report shall be accompanied with the oath of the col-  
 18 lector that the list is a correct return and report of the land, town lots and  
 19 real property on which the special assessment (or special tax levied by the au-  
 20 thority of the city of....., or town or village of....., as  
 21 the case may be,) or installments thereof, or interest, remaining due and un-  
 22 paid, that he is unable to collect the same, or any part thereof, and that he  
 23 has given the notice required by law that such warrants have been received  
 24 by him for collection: *Provided*, said collector shall not be required to include  
 25 in said report any land, town lots or real property described in any warrant  
 26 certified to him after the 10th day of February in said year.

Sec. 2. All Acts or parts of Acts in conflict with this Act are hereby  
 2 repealed.



- 1 Introduced by Mr. F. J. Wilson, by request, May 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act entitled, "An Act that no action for breach of promise to marry, shall be maintained unless the promise is in writing."

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no action for breach of promise to marry shall  
3 be maintained unless the promise to marry is in writing, signed by the person  
4 sought to be charged therewith.

Sec. 2. All Acts or parts of Acts inconsistent herewith are hereby re-  
2 pealed.

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- 1 Introduced by Mr. Hull, May 11, 1909.
  - 2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act to amend section 5 of an Act entitled "An Act to provide for the organization, ownership, management and control of cemetery associations," approved May 14, 1903, and in force July 1, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 5 of an Act entitled "An Act to provide for the organization, ownership, management and control of cemetery associations," approved May 14, 1903, and in force July 1, 1903, be amended to read as follows:

Sec. 5. Any such cemetery association, when so organized, shall have the right, and the same is expressly given to such association, to acquire the necessary amount of land for the use of said cemetery association, which said land may be acquired by purchase or by gift; and said association is hereby authorized to receive by gift, devise or bequest any property, either real, per

sonal or mixed, which may be donated to such association, and to hold and keep inviolate any such property for the uses of said cemetery association: And, also provided, further, that any Illinois corporation, authorized by law to accept and administer trusts, may acquire and hold in trust the title to any burial lot or lots which have been or may be acquired for family burial purposes, and such corporation may receive, by gift or bequest, real or personal property, or the income and avails of property which may be transferred or conveyed to it in trust for the improvement, maintenance, repair, preservation and ornamentation of such lot or lots, or any vault or vaults, tomb or tombs or other such memorial structures on such lot or lots, as may be designated by the terms of such gift or bequest, and such corporation or trust company may keep such trust funds invested in safe interest or income-bearing securities, the income from which shall be used only for the purposes aforesaid. The trust property, funds, gifts and bequests aforesaid so held by such corporation or trust company, as aforesaid, shall be exempt from taxation and from the operation of all laws of mortmain and laws against perpetuities and accumulations.



- 1 Introduced by Mr. Cermak, May 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

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## A BILL

For an Act in relation to the local self government of the city of Chicago, and for  
the regulation of Sunday observance in the said city of Chicago.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the city council of Chicago shall have complete  
3 and exclusive power and authority to license, regulate, control and prohibit,  
4 on all days of the week, including Sunday, the manufacture, sale or giving  
5 away of any intoxicating, malt, vinous, mixed or fermented liquor. Said ex-  
6 clusive power and authority shall not be subject to the provisions of any law  
7 of the State of Illinois, now in force or hereafter enacted, unless such law  
8 shall be first consented to by a majority of the legal voters of said city of Chi-  
9 cago voting on the question at any election, general, municipal or special.

Sec. 2. The city council shall have full and complete power and author-  
2 ity to regulate and control the observance of Sunday within said city of Chi-

3 cago, with regard to keeping open or closing places of business and places of  
 4 amusement or of diversion, and the performance of labor in connection there-  
 5 with on said day. Said exclusive power and authority shall not be subject to  
 6 the provisions of any law in the State of Illinois now in force, or hereafter  
 7 enacted, unless such law shall be first consented to by a majority of the legal  
 8 voters of said city of Chicago voting on the question at any election, general,  
 9 municipal or special.

Sec. 2. This Act shall be submitted to the voters of the city of Chicago  
 2 at the next municipal election to be held in said city, and if consented to by  
 3 a majority of the voters voting on the question, in accordance with the re-  
 4 quirements of section 34 of article 4 of the Constitution, shall thereupon  
 5 take effect. If this Act shall fail to be adopted at such election, it may be  
 6 re-submitted, from time to time, if such re-submission shall be directed by an  
 7 ordinance of the city council of Chicago or demanded by a petition of ten per  
 8 cent of the legal voters of the city of Chicago voting at the next preceding  
 9 election for mayor, which petition shall be filed with the city clerk at least  
 10 thirty days before the election at which the re-submission shall be desired. The  
 11 ballot to be used at any such election in voting upon this Act shall be substan-  
 12 tially in the following form:

|  |      |  |
|--|------|--|
| Shall the city of Chicago adopt "An Act to provide for<br>the regulation of Sunday observance in said city of<br>Chicago?" | Yes. |  |
|  | No.  |  |

- 1 Introduced by Mr. G. H. Wilson, May 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to appropriate the sum of five thousand dollars to pay for the services and expenses of the commission appointed under and pursuant to Senate Joint Resolution No. 24, to obtain information and report to the General Assembly their judgment as to the advisability of enacting a law regulating fire insurance rates in this State, and to pay for other expenses connected with their investigation, and extending the time for the report of said commission.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That five thousand dollars, or so much thereof as  
3 may be necessary, is hereby appropriated to pay for the expenses and services of  
4 the commission appointed under and pursuant to Senate Joint Resolution No.  
5 24, to obtain information and report to the General Assembly their judgment  
6 as to the advisability of enacting a law regulating fire insurance rates in this  
7 State, and to pay for other expenses connected with their investigation, including

8 the services and expenses of a stenographer and the expenses attending the  
9 subpoenaing and compelling the attendance of witnesses, the production of  
10 documents, exhibits and other information and including also the fees and mile-  
11 age of such witnesses, which shall be the same as allowed in courts of record:  
12 *Provided*, that the members of said commission shall each receive the sum of  
13 \$15 and no more for each day occupied in said investigation, said \$15 to cover  
14 both their services and expenses.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrant upon the State Treasurer for the sum hereby specified, or any part  
3 thereof, upon the presentation of the proper voucher or vouchers signed by the  
4 Governor, and the Treasurer shall pay the same out of the money hereby appro-  
5 priated.

Sec. 3. Said commission shall file its report on the first day of the session  
2 of the next General Assembly in both houses.



- 1 Introduced by Mr. Blair, May 11, 1909.
- 2 Read a first time, ordered printed and to a second reading, without reference.

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## A BILL

For an Act entitled, “An Act to establish terms of circuit court for Jefferson county.”

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- SECTION 1. *Be it enacted by the People of the State of Illinois represented*
- 2 *in the General Assembly:* That the circuit court shall, after the taking effect
  - 3 of this Act, be held in the county of Jefferson, as follows:
  - 4 On the second Monday of January, the second Monday of April, the second
  - 5 Monday of July and the fourth Monday of September, in each year: *Provided,*
  - 6 there shall be no juries summoned for the July terms of court in said county
  - 7 unless by special order of a judge of said court, which order may be made
  - 8 either in term time or in vacation.

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1 Introduced by Committee on Miscellaneous Subjects, May 11, 1909.

2 Read first time, ordered printed and to a second reading.

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## A BILL

For an Act entitled, "An Act relating to the conduct of hotels, inns and public lodg-  
ing houses."

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Every building or structure kept, used or maintained  
3 as, or held out to the public to be, an inn, hotel or public lodging house or place  
4 where sleeping accommodations are furnished for hire to transient guests,  
5 whether with or without meals, in which ten (10) or more rooms are used for  
6 the accommodation of such guests, shall, for the purpose of this Act, be defined  
7 to be a hotel; and wherever the word hotel shall occur in this Act it shall be  
8 construed to mean every such structure as is described in this section.

Sec. 2. Each and every hotel shall be provided with at least one efficient  
2 fire extinguisher for every twenty-five hundred (2500) square feet or less of  
3 floor area, which such extinguisher or extinguishers shall be placed in a con-

4 venient location in a public hallway outside of the sleeping rooms and shall al-  
5 ways be in a condition for use; or in lieu thereof, such hotels shall be equipped  
6 with a one and one-fourth inch stand pipe with hose connection and hose of  
7 sufficient length always attached in such hallway, which stand pipe shall be  
8 supplied with a sufficient pressure of water.

Sec. 3. Every hotel which is three or more stories in height, and which  
2 is not provided with permanent fire escapes, shall provide in every bed room  
3 or sleeping apartment above the ground floor a manila rope at least five-eighths  
4 of an inch in diameter and of sufficient length to reach the ground, with knots  
5 or loops not more than fifteen (15) inches apart and of sufficient strength to  
6 sustain a weight and strain of at least five hundred (500) pounds. Such rope  
7 shall be securely fastened to the joists or studding of the building as near the  
8 windows as practicable, and shall be kept coiled in plain sight at all times.  
9 Every such hotel shall provide and maintain in a conspicuous place in every  
10 bed room or sleeping apartment above the ground floor, a printed notice calling  
11 attention to such rope and giving directions for its use.

Sec. 4. All beds and bedding in such inns, hotels and public lodging  
2 houses must be kept clean, properly aired, and all sheets or blankets used in  
3 place thereof, and all pillow cases, be changed after being used, and not again  
4 used for other guests until they have been thoroughly washed and dried. The  
5 upper sheet, or blanket used in place thereof, on all beds in use, shall be of  
6 sufficient width to correspond with the bed and shall not be less than ninety-  
7 nine (99) inches in length, so as to fold over top of the quilts and coverings  
8 of the bed in such manner as to protect the quilts and coverings from coming  
9 in contact with the breath or saliva of the different guests. All towels for the  
10 use of guests, whether in private rooms or public wash rooms, must be indi-  
11 vidual towels, and when used and discarded by the individual, must not again  
12 be used until thoroughly washed and dried.



Sec. 5. Every owner, manager, agent or person in charge of a hotel or  
2 public lodging house, who shall fail to comply with the provisions of this Act,  
3 shall be deemed guilty of a misdemeanor and shall be fined not less than ten  
4 (\$10.00) dollars nor more than one hundred (\$100.00) dollars; and every day  
5 that such hotel or public lodging house is carried on in violation of this Act  
6 shall constitute a separate offense.

Sec. 6. All Acts and parts of Acts inconsistent herewith are hereby re-  
2 pealed.



1 Introduced by Mr. Chipperfield, May 12, 1909.

2 Read first time, ordered printed and to second reading without reference.

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## A BILL

For an Act to amend section 37 of an Act entitled “An Act to extend the jurisdiction of the county courts and to provide for the practice thereof, to fix the time for holding the same and repeal an Act therein named,” approved March 26, 1874, in force July 1, 1874, as amended by an Act entitled An Act to amend sections thirty-seven, seventy-four, and one hundred and one of an Act entitled “An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same and to repeal an Act therein named,” approved March 26, 1874, approved May 23, 1883, in force July 1, 1883.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 37 of an Act entitled “An Act to ex-  
3 tend the jurisdiction of county courts and to provide for the practice thereof,  
4 to fix the time for holding the same and to repeal an Act therein named” ap-  
5 proved March 26, 1874, in force July 1, 1874, as amended by an Act entitled

6 An Act to amend section thirty-seven, seventy-four, and one hundred and one  
7 of an Act entitled “An Act to extend the jurisdiction of county courts, and to  
8 provide for the practice thereof, to fix the time for holding the same and to re-  
9 peal an Act therein named,” approved March 26, 1874, approved May 23, 1883,  
10 in force July 1, 1883, shall be amended so as to read as follows:

11 Fulton, second Mondays in March and November.

Sec. 2. All Acts or parts of Acts in conflict herewith are hereby repealed.



- 1 Introduced by Committee on Canal, River Improvement and Commerce.
- 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to create a Waterway Commission for the State of Illinois, prescribing the duties and powers thereof, and providing for the construction of a deep waterway in co-operation with the United States of America by way of the channel of the Sanitary District of Chicago and the Desplaines and Illinois rivers, and for the development of water power and other utilities incidental to the deep waterway , making an appropriation therefor and for other purposes incidental thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be appointed by the Governor a com-  
3 mission, by and with the advice and consent of the Senate, to be known as  
4 the "Waterway Commission of Illinois"; said commission to be composed of  
5 seven persons, not more than four of whom shall belong to or be affiliated with  
6 the same political party.

7 The commissioners shall be appointed within thirty days after this Act  
8 is in force, and they shall hold office until July 1, 1915, or until their suc-  
9 cessors shall be appointed and qualified, and the succeeding commissioners  
10 shall be appointed in like manner, and hold office for the term of four years,  
11 or until their successors shall be appointed and qualified.

12 A vacancy occurring in the term of any commissioner shall be filled for  
13 the unexpired term, as hereinbefore provided; each commissioner shall, before  
14 entering upon the duties of his office, take and subscribe the oath or affirma-  
15 tion prescribed by section 25, article V, of the Constitution, which shall be filed  
16 in the office of the Secretary of State, who is hereby authorized and directed  
17 to administer such oath.

18 For all legal purposes, the commissioners shall be deemed officers of the  
19 State, and all deeds, contracts, writings and acts may be made, and suits may  
20 be prosecuted in the name of the "Waterway Commission of Illinois," but they  
21 shall not be considered a distinct corporation.

22 The commission may adopt a seal, and authenticate its official acts by the  
23 same, and the signature of its chairman.

24 Each commissioner shall be entitled to receive a salary of six thousand dol-  
25 lars (\$6,000) per annum.

Sec. 2. The first meeting of the commission shall be within thirty days  
2 after their appointment, and they shall hold an annual meeting on the second  
3 Monday of December of each year, and such other meetings as the commission  
4 may deem expedient.

5 They shall elect one of their number chairman at the first meeting, who  
6 shall hold office until the first annual meeting, at which time his successor  
7 shall be elected.

8 The chairman of the commission shall be the presiding officer at all of  
9 the meetings of the commission and shall hold his office for one year and until

10 his successor is elected, and shall be the executive officer of said commission  
11 and sign all official documents emanating from or authorized by said commis-  
12 sion; and he shall receive a sum of two thousand dollars (\$2,000) per annum  
13 as chairman in addition to the salary of six thousand dollars (\$6,000) per  
14 annum as commissioner.

15 The commission shall elect a secretary, a chief engineer and an attorney,  
16 and other officers, and employ agents and such other employes as are neces-  
17 sary to hold office at its pleasure; and shall prescribe the duties and fix the  
18 compensation of the secretary, chief engineer, attorney and other officers, agents  
19 and other employes of the commission.

20 The commission shall make rules and regulations for the conduct of its  
21 business. All Acts involving obligations and expenditures or payment of  
22 moneys shall have the affirmative vote of a majority of the commission.

23 The secretary shall be the custodian of all official records and shall keep  
24 minutes of all the meetings of the commission, and shall enter therein the  
25 votes of the several commissioners upon acts or resolutions authorizing the mak-  
26 ing of contracts or the appropriation or expenditure of moneys.

Sec. 3. The commission shall build and construct the waterway heretofore  
2 authorized to be constructed by the constitutional amendment of November 3,  
3 1908, along a route as follows: By way of the Sanitary District channel, the  
4 Desplaines and Illinois rivers, from the Lake Michigan level and water-power  
5 plant of the Sanitary and Ship Canal of Chicago, in Lockport township, Will  
6 county, to a point at or near Utica, La Salle county. When said route is se-  
7 lected and acquired said commission shall be vested with full jurisdiction over  
8 the said route, and all of its appurtenances, and all works or waterways con-  
9 structed thereon in aid of or in connection therewith.

10 Said commission shall likewise have jurisdiction of all streams or water-  
11 courses lying within the water shed or sheds traversed by such route for said

12 deep waterway, and which said streams or water-courses could be utilized in  
13 connection with said project of deep waterway.

14 The said commission, for the purpose of conserving the natural sources  
15 from which water could be procured from such streams or water-courses in  
16 said water shed so traversed by such deep waterway, shall fully investigate  
17 the same with the view of most successfully utilizing such resources in connec-  
18 tion with said waterway, and shall have full power for the purpose of increas-  
19 ing the utility of such deep waterway, and shall have full power for the pur-  
20 pose of increasing the utility of such deep waterway to make such changes or  
21 alterations therein as may be necessary. And, as incident thereto, may pre-  
22 serve and utilize all of the utilities in connection with said streams and water-  
23 courses.

24 The construction and operation of the deep waterway and of the collateral  
25 utilities herein provided for shall be under the management, direction and con-  
26 trol of the "Waterway Commission of Illinois."

Sec. 4. There shall be constructed, under the direction, management and  
2 control of the commission, along the route described in section 3 of this Act,  
3 a deep waterway, including all appurtenant work, by the State of Illinois in co-  
4 operation with the United States of America, and the control of said water-  
5 way, when opened for navigation, shall vest in the United States of America  
6 as a part of a deep waterway from Lake Michigan to the Gulf of Mexico; and  
7 that the State develop water power, dockage and other collateral utilities in  
8 connection with such deep waterway, and forever own and control the same.

9 All costs incurred by the State in the construction of the said waterway  
10 shall be paid out of the proceeds of State bonds and the earnings from the  
11 utilities created.

Sec. 5. That the plan for said deep waterway shall be in conformity to  
2 the project outlined by the Internal Improvement Commission in its report



3 submitted to the Forty-fifth General Assembly by the Governor on April 10,  
4 1907, in so far as it applies to that part of the deep waterway referred to in  
5 this Act. The ultimate depth shall be not less than twenty-four (24) feet, all  
6 structures to be made to the ultimate depth at the outset, the locks to be five  
7 (5) in number and not less than one hundred and eight (108) feet in width  
8 and nine hundred and sixty (960) feet in effective length, swing bridges to be  
9 required not less than four hundred (400) feet in length over all.

10 The channel of the Joliet level, from and below the north limits of the city  
11 of Joliet, shall be made at the outset to the ultimate depth and to a width of  
12 not less than four hundred (400) feet between masonry dock walls, but the  
13 channel in the three levels between Joliet and Utica shall have a preliminary  
14 depth of not less than fourteen (14) feet on a bottom width of not less than  
15 two hundred (200) feet.

Sec. 6. The commission shall, as soon as practicable, mature its plan of  
2 work and program of operation, and shall confer with the proper authorities  
3 of the United States of America and any agency authorized by Congress in  
4 regard to a program of co-operation and joint action by which the United  
5 States of America shall undertake or provide for those features which per-  
6 tain most immediately to the easement for navigation, as locks, swing bridges,  
7 and to the end that all work shall be in harmony and of approved design and  
8 quality. In pursuance of such policy the commission is authorized to cede to  
9 the United States of America such property, rights and control as pertain  
10 properly to its paramount jurisdiction and duties in the interest of  
11 navigation.

12 In the consideration of all common purposes the United States engineer  
13 officer immediately in charge of the Illinois division of the deep waterway may,  
14 with the consent of the Secretary of War, be an *ex-officio* member of the com-

15 mission, in an advisory capacity only, and be allowed his incidental expenses  
16 as in the case of other members of the commission.

17 When the commission shall have entered into an agreement with the United  
18 States of America for the construction of the deep waterway, and plans and  
19 specifications have been matured and approved by both parties to the agree-  
20 ment, the commission shall proceed with its portion of the work as previously  
21 agreed upon.

22 All contracts for work, materials or supplies shall contain full specifica-  
23 tions and, after due public advertisement for competitive bids, shall be awarded  
24 to the lowest responsible bidder: *Provided, however,* that, in the discretion of  
25 the commission, all bids may be rejected and re-advertised.

26 The commission may carry on work by direct employment of labor, and  
27 the purchase of material, supplies, appliances and equipment in the open mar-  
28 ket whenever, in the opinion of all the commissioners, the best interests of  
29 the State will be served thereby.

Sec. 7. The commission is authorized and empowered to secure all rights  
2 of way, easements, water and flowage rights and other properties necessary or  
3 expedient in the complete development, ownership and control of the deep  
4 waterway, the water power and other collateral utilities, and to conduct all  
5 operations, employ all labor and service, and purchase all materials and appli-  
6 ances necessary to the development, construction, maintenance and operation  
7 of its works.

8 The commission may exercise police power within two miles of the water-  
9 way, subject to the municipal authority within corporate limits, for public  
10 safety and health and protection of property, and organize all necessary agen-  
11 cies for such purpose, and its police officers shall have the power vested by  
12 law in constables, subject to the limitations contained in this Act.

Sec. 8. When it shall be necessary to enter upon any public property, or  
2 property held for public use, the commission may do so and acquire the same  
3 in the manner hereinafter provided for the taking of private property, and may  
4 enter upon, use, widen, deepen and improve any navigable or other waters,  
5 waterways, canal or lake.

6 When necessary, private property may be taken or damaged and compen-  
7 sation rendered therefor in the same manner, as nearly as may be, as pro-  
8 vided for in an Act entitled "An Act to provide for the exercise of the right  
9 of eminent domain," approved April 10, 1872, in force July 1, 1872, with all  
10 amendments thereto. Proceedings for the taking of the property shall in all  
11 cases be instituted in the county in which the property is situated.

12 Whenever, in the opinion of five (5) commissioners, the acquirement of  
13 property in the manner aforesaid shall unduly delay and greatly prejudice the  
14 work, the commission may enter upon, take possession of and use, lands,  
15 structures and waters, the appropriation of which shall be necessary and in  
16 the following manner: An accurate survey and map of all such lands shall be  
17 made, upon which shall be a certificate of the commission that the lands therein  
18 described have been appropriated for the use of the deep waterway. Such map,  
19 survey and certificate shall be filed in the office of the commission and a dupli-  
20 cate copy of so much thereof as lies within any county, certified to be such  
21 duplicate copy, shall also be filed with the county clerk of such county. The  
22 commission shall cause to be served upon the owner of any real property thus  
23 appropriated a written notice of the filing and the date thereof, of the map,  
24 survey and certificate, and such notice shall describe specifically that portion  
25 of such real property belonging to such owner which has been taken. If, after  
26 proper and reasonable effort, such written notice cannot be served upon the  
27 owner personally, within this State, then it may be served by filing the same  
28 with the county clerk of the county in which the lands so appropriated are situ-



ated, and also mailing a copy thereof to the person last having paid taxes thereon. From the time of the service of such notice, the entry upon and appropriation by the State of the real property therein described shall be deemed complete, and such notice so served shall be conclusive evidence of such entry and appropriation of the quantity and boundaries of the lands appropriated. When such notice, together with an affidavit of the service thereof, is recorded in the county where the lands described are situated, the same shall be evidence thereof. Otherwise, compensation shall be ascertained and rendered in the usual manner and as hereinbefore provided.

That the commission shall take or remove the dam across the Illinois river at Marseilles, La Salle county, authorized by section 4 of an Act entitled "An Act to incorporate the Marseilles Land and Water Power Company," approved March 9, 1867, as amended by an Act approved March 27, 1869, whenever the same shall be required.

Sec. 9. Whenever works have been so far developed and provided for as to insure the delivery of electrical current from the water power, at a time certain in the future, the commission may invite proposals for the same, delivered at the switch-board, upon such terms as it may deem just and proper and after due advertisement, and in its discretion, shall accept such proposal or proposals as shall yield the highest and most certain revenue. Lessees purveying such power to customers shall be subject to reasonable maximum rate as provided for in public utility corporations.

No lease for electrical current shall be for a period exceeding twenty (20) years, but subject to revaluation at the end of ten (10) years in such manner as may be provided for in said lease. The commission may also lease lands, lots, docks and any other property in accordance with the general limitations governing water power leases. This section shall not be so construed as to prohibit the direct delivery of electrical current in quantities of not less than



15 1000 kilowatts to individual users or to municipal corporations if, in the opin-  
16 ion of five (5) commissioners, the interests of the State will be promoted there-  
17 by. Such electric current as required to operate and light the navigation  
18 works of the United States within the State of Illinois shall be furnished free  
19 of charge.

Sec. 10. That for the purpose of carrying out the provisions of this Act,  
2 and to raise money necessary to enable the commission to pay for constructing  
3 said deep waterway and all other necessary expenditures required to be made  
4 under the provisions of this Act, the Governor, Auditor of Public Accounts  
5 and State Treasurer be, and they are hereby, authorized and directed to issue  
6 bonds of the State of Illinois not to exceed in the aggregate the sum of twenty  
7 million dollars (\$20,000,000), in the denomination of five hundred dollars  
8 (\$500) each, bearing interest at a rate not to exceed 4 per cent per annum,  
9 payable semi-annually on the first days of January and July upon the surren-  
10 der of the proper coupons evidencing the interest due, which shall be attached  
11 to said bonds. Said bonds shall be issued payable in twenty years from date.  
12 The form of the bonds shall be prescribed by the Governor, Auditor and Treas-  
13 urer, and shall be printed and engraved under their direction, and shall be  
14 signed by said officers, with the official seal of the Auditor of Public Accounts  
15 affixed, who shall make and keep a full record of the issue of said bonds  
16 which shall show the Act under which they are issued, the date of issue, the  
17 serial number and amount of each bond, the date of maturity, rate of interest  
18 and when payable and the number of coupons attached to each bond and by  
19 whom the bonds and coupons are signed. The said bonds, when issued, as  
20 prescribed herein, shall be sold by the Governor, Auditor and Treasurer to  
21 the highest bidder, after advertising for a period of sixty days in at least two  
22 newspapers, one published in the city of Springfield and the other published

23 in the city of Chicago; but in no event shall said bonds be sold for less than the  
24 par value: *Provided*, that no bonds shall be issued and sold until the actual  
25 construction of said waterway, as provided for in this Act, shall have been con-  
26 tracted and the work commenced, and then only in such sums as shall be re-  
27 quired, from time to time, to meet the obligations incurred as the work pro-  
28 gresses. The sum of two hundred thousand dollars (\$200,000) of said bonds  
29 shall be issued and sold for the purpose as hereafter provided for in this Act.  
30 The proceeds of the sale of said bonds and all other money received by the  
31 Deep Waterway Commission or its representatives under the provisions of this  
32 Act shall be paid into the State treasury, to be credited to a special State  
33 fund, which is hereby created to be known as the waterway fund, to be  
34 disbursed only upon warrants drawn by the Auditor of Public Accounts in pay-  
35 ment for the work of constructing said deep waterway in the manner provided  
36 for by this Act, and for the payment of all other legal and necessary expenses  
37 incurred by the commission in the performance of its duties. No warrants  
38 shall be issued by the Auditor except upon itemized bills certified by the  
39 chairman of the commission, with the seal of the commission **attached**. Bills  
40 containing items for money expended by the commission, or upon the authority  
41 of the commission, receipted vouchers showing the purpose of the expenditure  
42 must accompany all itemized bills containing such expenditures of money: *Pro*  
43 *vided*, that upon written request of the commission, signed by the chairman  
44 the Auditor of Public Accounts may draw his warrant for a sum not to exceed  
45 \$10,000, payable to the chairman of the commission, or to some other person  
46 to be designated in the request of the commission, to be used in paying any  
47 emergency claims that may arise in the transaction of the business and work  
48 of said commission. No further emergency warrant shall be issued by the  
49 Auditor until a detailed statement of the expenditures of the money previously  
50 drawn, accompanied by receipted vouchers, shall be filed with the Auditor o

51 Public Accounts. Said statement shall show the balance of said funds, if any;  
52 in the hands of the commission. Said emergency funds in the hands of the  
53 commission shall at no time exceed \$10,000. The interest on all the bonds  
54 issued under the foregoing provisions, represented by coupons attached to said  
55 bonds, shall be paid as it matures by Auditor's warrants drawn on the State  
56 Treasurer, payable out of the waterway fund, and said coupons when so paid  
57 shall be cancelled and filed in the Auditor's office.

Sec. 11. The commission shall, on or before the first day of January in  
2 each year, make a full report to the Governor and General Assembly of all  
3 the business transacted by it for the year ending on the preceding 30th day of  
4 November, including a statement of all expenditures, contracts entered into,  
5 work done and obligations or contracts outstanding.

Sec. 12. The sum of two hundred thousand dollars (\$200,000), herein  
2 made available, or so much thereof as shall be required, shall be applied to the  
3 necessary surveys and investigations, and the preparation of plans and esti-  
4 mates for the work herein contemplated, in co-operation with the general gov-  
5 ernment, such as the channel improvement, dams, locks, bridges, right of way,  
6 damages, etc., and a report accompanied by such plans and estimates shall be  
7 submitted to the Governor and to the Congress of the United States of America  
8 on or before January 1, 1910: *Provided*, that the expenditures shall be limited  
9 to the purposes aforesaid, including the salaries, traveling and incidental ex-  
10 penses of said commissioners, clerical assistants, office rent, office expenses,  
11 and the cost of all necessary surveys, investigations and the study and prepa-  
12 ration of such plans, estimates and reports, meaning and intending hereby that  
13 the said moneys shall only be used as aforesaid and shall not be expended for  
14 any other purposes.

Sec. 13. The said Waterway Commission of Illinois shall not commence  
2 the actual construction of said deep waterway, nor shall any portion of the  
3 funds derived from the sale of the bonds authorized to be issued herein be ex-  
4 pended for said deep waterway, with the exception of the \$200,000 herein ap-  
5 propriated, until the Congress of the United States of America shall, by ap-  
6 propriate legislation, authorize the expenditure of a sum from the treasury of  
7 the United States of America which, together with the said \$20,000,000, or the  
8 sum accruing from the sale of said bonds by the State of Illinois, as will be  
9 sufficient to complete said deep waterway, and all appurtenant works proposed  
10 by the State of Illinois in conjunction therewith as authorized by this Act.



- 1 Introduced by Committee on Canal, River Improvements and Commerce, May 11, 1909.
- 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to amend section 23 of "An Act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act of June 10, 1895, in force July 1, 1895, as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 13, 1905, in force July 1, 1905, as amended by an Act approved and in force February 27, 1907, as amended by an Act approved May 25, 1907, in force July 1, 1907.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 23 of an Act entitled, "An Act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act of June 10, 1895, in force July 1, 1895, as amended by an Act approved May

6 13, 1897, in force July 1, 1897, as amended by an Act approved May 13, 1905,  
7 in force July 1, 1905, as amended by an Act approved and in force February  
8 27, 1907, as amended by an Act approved May 25, 1907, in force July 1, 1907,  
9 be and the same is hereby amended to read as follows:

10       Sec. 23. If any channel is constructed under the provisions hereof by  
11 means of which any of the waters of Lake Michigan shall be caused to pass  
12 into the Desplaines or Illinois river, such channel shall be constructed of suffi-  
13 cient size and capacity to produce and maintain at all times a continuous flow  
14 of not less than 300,000 cubic feet of water per minute, and to be of a depth  
15 of not less than fourteen feet, and a current of not exceeding three miles per  
16 hour, and if any portion of any such channel shall be cut through a territory  
17 with a rocky stratum where such rocky stratum is above a grade sufficient to  
18 produce a depth of water from Lake Michigan of not less than eighteen feet,  
19 such portion of said channel shall have double the flowing capacity above pro-  
20 vided for, and a width of not less than one hundred and sixty feet at the bot-  
21 tom capable of producing a depth of not less than eighteen feet of water. If  
22 the population of the district draining into such channel shall at any time  
23 exceed 1,500,000, such channel shall be made and kept of such size and in such  
24 condition that it will produce and maintain at all times a continuous flow of  
25 not less than 20,000 cubic feet of water per minute for each 100,000 of the  
26 population of such district, at a current of not more than three miles per hour,  
27 and if at any time the general government shall improve the Desplaines or  
28 Illinois rivers, so that the same shall be capable of receiving a flow of 600,000  
29 cubic feet of water per minute, or more, from said channel, then such sanitary  
30 district shall within one year thereafter, enlarge the entire channel leading  
31 into said Desplaines or Illinois rivers from said district to a sufficient size and  
32 capacity to produce and maintain a continuous flow throughout the same of  
33 not less than 600,000 cubic feet of water per minute, with a current of not

34 more than three miles per hour, and such channel shall be constructed upon  
35 such grade as to be capable of producing a depth of water not less than eighteen  
36 feet throughout said channel, and shall have a width of not less than one  
37 hundred and sixty feet at the bottom. In case a channel is constructed in the  
38 Desplaines river as contemplated in this section it shall be carried down the  
39 slope between Lockport and Joliet to the pool commonly known as the upper  
40 basin, of sufficient width and depth to carry off the water the channel shall  
41 bring down from above. The district constructing a channel to carry water  
42 from Lake Michigan of any amount authorized by this Act, may correct,  
43 modify and remove obstructions in the Desplaines and Illinois rivers where-  
44 ever it shall be necessary so to do to prevent overflow or damage along said  
45 river, and shall remove the dams at Henry and Copperas Creek in the Illinois  
46 river, before any water shall be turned into the said channel. And the canal  
47 commissioners, if they shall find at any time that an additional supply of water  
48 has been added to either of said rivers, by any drainage district or districts,  
49 to maintain a depth of not less than six feet from any dam owned by the State,  
50 to and into the first lock of the Illinois and Michigan Canal at LaSalle without  
51 the aid of any such dam, at low water, then it shall be the duty of said canal  
52 commissioners to cause such dam or dams to be removed. This Act shall not  
53 be construed to authorize the injury or destruction of existing water power  
54 rights.





- 1 Introduced by Mr. Cliffe, May 12, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

## A BILL

For an Act to amend section 3 of an Act entitled “An Act concerning suits at law for personal injuries and against cities, villages and towns,” approved May 13, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of an Act entitled “An Act concerning suits at law for personal injuries and against the cities, villages and towns,” approved May 13, 1905, in force July 1, 1905, be amended to read as follows:

Sec. 3. If the notice provided for by section two of this Act shall not be filed as provided in said section two then any such suit brought against any such city shall be dismissed and the person to whom any such cause of action accrued for any personal injury shall be forever barred from further suing, *but it shall not be necessary or requisite to recite or allege in any declaration already filed,*

11 or hereafter filed, in any such cause of action, the fact that such statement in  
12 writing or notice has been filed as required by this Act, and an amendment to  
13 a declaration which has heretofore been filed, or which may hereafter be filed,  
14 setting up the fact that such statement in writing or notice, has been filed as re-  
15 quired by this Act, shall not be construed as stating a new cause of action. This  
16 Act shall be held to apply to any actions or suits now pending in any of the  
17 courts, either of original jurisdiction or review, in this State, or hereafter be-  
18 gun.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. William Murphy, May 13, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

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**A BILL**

For an Act to provide for the labeling or stamping of all soles of shoes with labels or stamps correctly and truthfully, specifying the name or names of the material of which said soles are composed in all cases where said material is anything other than leather made from the cured and tanned skins of animals, and providing penalties for a failure to comply with the provisions thereof.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person or corporation to manufacture in the State of Illinois, or to offer for sale in the State of Illinois, any shoes the soles of which are made or composed of any other material than the leather made from the cured and tanned skins of animals, unless the soles of said shoes are clearly and legibly labelled or stamped so as to correctly and truthfully specify the name or names of the material of which said soles are composed.

Sec. 2. Any person or corporation violating the provisions of this Act shall be deemed and held to be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than fifty dollars: *Provided*, that the failure to comply with the provisions of this Act shall, as to each pair of shoes where there is such failure of compliance, be held and deemed a separate and complete offense under the provisions of this Act.

Sec. 3. All parts of Acts in conflict herewith are hereby repealed.



- 1 Introduced by Committee on Mines and Mining, May 13, 1909.
- 2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to establish a Mining Investigation Commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a commission be established to be known as  
3 the Mining Investigation Commission of the State of Illinois, consisting of  
4 three coal mine owners and three coal miners nominated by the respective  
5 organizations of both interests affected and appointed by the Governor, to  
6 gether with three qualified men, no one of whom shall be identified or affiliated  
7 with the interests of either the mine owners or coal miners or dependent upon  
8 the patronage or good will of either, nor in political life, who shall be appointed  
9 by the Governor.

10 Each member of the said commission shall have equal authority, power  
11 and voting strength in considering and acting upon any matters which may be  
12 brought to the attention of the commission and on which the commission may  
13 act and the said commission shall have power and authority to investigate the  
14 methods and conditions of mining coal in the State of Illinois with special  
15 reference to the safety of human lives and property and the conservation of  
16 the coal deposits.

Sec. 2. In making any investigation as contemplated in this Act, said com-  
2 missioners shall have the power to issue subpoenas for the attendance of wit-  
3 nesses, which shall be under the seal of the commission and signed by the  
4 chairman or secretary of said commission.

5 In case any person shall willfully fail or refuse to obey such subpoena, it  
6 shall be the duty of the circuit court of any county, upon application of the said  
7 commissioners, to issue an attachment for such witness, and compel such wit-  
8 ness to attend before the commissioners, and give his testimony upon such mat-  
9 ters as shall be lawfully required by such commissioners; and the said court  
10 shall have the power to punish for contempt, as in other cases of refusal to  
11 obey the process and order of such court.

12 The fees of witnesses shall be the same as in courts of record and shall be  
13 paid out of the appropriation hereinafter made.

14 And upon order duly entered of record by the said commission any one  
15 or more members of the said commission shall be empowered to take testimony  
16 touching the matters within the jurisdiction of the said commission and report the  
17 same to the said commission.

18 Said commission shall have power and are authorized to adopt a seal and  
19 to make such rules not inconsistent with or contrary to law for the government  
20 of proceedings before it, as it may deem proper and shall have the same power  
21 to enforce such rules and to preserve order and decorum in its presence as is

22 vested by the common law or statute of this State in any court of general juris-  
23 diction.

Sec. 3. Said commission shall meet at the State Capitol building in Spring-  
2 field, on the second Tuesday after notice of their appointment and shall im-  
3 mediately elect a chairman and secretary from among their number, one of  
4 whom shall be a coal mine owner and the other a coal miner. Said commission  
5 shall cause a record to be kept of all its proceedings.

6 Five members of the said commission shall constitute a quorum for the  
7 transaction of business, but a less number than a quorum may adjourn the  
8 meetings of the commission from time to time.

9 Meetings of the said commission other than called meetings, as provided  
10 for herein, may be held at such times and places within the State of Illinois,  
11 as may be fixed by the said commission.

12 A meeting of the said commission shall be held upon the written request  
13 of any three members of the said commission signed by them and delivered to  
14 the secretary, who shall, upon receipt of such request, notify each member of  
15 said commission by mail of such meeting so to be held, and the time and place  
16 thereof. And no such meeting shall be held less than five days after the mail-  
17 ing of notice of the said meeting to the members of said commission by the  
18 secretary.

19 Such called meeting shall be held either in Springfield or Chicago.

Sec. 4. Said commission shall report to the Governor and to the General  
2 Assembly at its next regular session, submitting so far as they have unani-  
3 mously agreed, a proposed revision of coal mining laws of the State, together  
4 with such other recommendations as to the commission shall seem fit and  
5 proper, relating to coal mining in the State of Illinois.

6 And where there is not unanimous agreement upon any recommendation  
7 there shall be submitted in like manner separate reports embodying the recom-

8 mendations of any one or more members of the said commission, which said  
9 reports shall each set forth in detail the recommendation of the commis-  
10 sioner or commissioners signing said report and shall embody his or their re-  
11 spective reasons for such recommendation and his or their objections to the  
12 reports of other members of the commission.

Sec. 5. The members of said commission appointed upon nomination as  
2 aforesaid, shall receive no compensation for their services. The remaining  
3 three members of the commission shall receive as compensation for their ser-  
4 vices the sum of \$10.00 per day for each day actually employed by them as  
5 such commissioners. All members of the said commission shall be reimbursed  
6 for their actual expenses incurred in and about the actual work of such com-  
7 mission.

8 Said commission may appoint a stenographer or clerk and such other em-  
9 ployes as are necessary and shall fix their compensation and may incur such  
10 other expenses as are properly incidental to the work of the commission.

Sec. 6. The sum of twenty-five thousand dollars (\$25,000.00), or as much  
2 thereof as may be necessary, is hereby appropriated for the postage, station-  
3 ery, clerical and expert services, and incidental traveling expenses of the com-  
4 mission, and the per diem of members as herein authorized, and the Auditor  
5 of Public Accounts is hereby authorized to draw his warrant for the foregoing  
6 amount, or any part thereof, in payment of any expenses, charges or disburse-  
7 ments authorized by this Act, on order of this commission, signed by its chair-  
8 man, attested by its secretary, and approved by the Governor.

9 The State Board of Contracts is hereby authorized and directed to pro-  
10 vide all necessary printing for the mining investigation commission, and testi-  
11 mony taken by it shall be reported in full and may be published from time to  
12 time by the commission.



AMENDMENTS TO

46th Assem.

HOUSE—No. 719

May 1909

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AMENDMENT NO. 1.

Amend section 4 of House Bill No. 719 by adding thereto after the concluding word "commission" the following: "Upon the filing of the above mentioned reports, recommendations and objections the duties and functions of said commission shall cease."

AMENDMENT NO. 2.

Amend House Bill No. 719 by striking out in line 4 after the word "miners" the following words: "nominated by the respective." Also in line 5 strike out the words "organization or both interests affected and."



1 Introduced by Mr. Geshkewich, May 13, 1909.

2 Read by title, ordered printed and referred to Committee on License.

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## A BILL

For an Act making it unlawful for any persons who are not citizens of the United States of America to operate, conduct or run, or to be in any way financially interested in, as stockholders, owners, partners, or otherwise, any saloon, dramshop or other place or business in which, under the law, a license is required by law to operate, conduct, or run same; rendering null and void any license hereafter issued to a person not a citizen of the United States of America, to operate, conduct or run any saloon, dramshop, or other place or business in which, under the law a license is required by law; and providing penalties for violations of the provisions hereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That from and after the going into effect of this  
3 Act, it shall be unlawful for any person who is not a legal citizen of the United  
4 States of America, to operate, conduct or run, or to be any way financially

5 interested in as a stockholder, owner, partner or otherwise, any saloon, dram-  
 6 shop or other place or business in which, under the law a license is required  
 7 by law to operate, conduct or run same: *Provided*, this Act shall not operate  
 8 to prevent any person from continuing to operate, conduct or run, or to be  
 9 financially interested in any such saloon, dramshop, or other place or business,  
 10 during the continuance of any license held by him or her, not to exceed one year  
 11 from the going into effect of this Act.

Sec. 2. It shall be unlawful from and after the going into effect of this  
 2 Act, for any municipal or other body, to issue or give to any person, not a  
 3 legal citizen of the United States of America, a license to conduct, operate or  
 4 run, any saloon, dramshop or other place or business in and within the State  
 5 of Illinois; and any such license issued or given in violation of the provision  
 6 of this Act, shall be null and void, and shall be deemed and held to be nugatory  
 7 and of no effect in all and every of the courts of this State.

Sec. 3. Any person not a legal citizen of the United States of America  
 2 who violates the provisions of this Act by conducting, operating, or running a  
 3 saloon or dramshop in the State of Illinois shall be deemed and held in law to  
 4 be engaged in conducting, operating and running a saloon or dramshop with-  
 5 out a license and shall, upon conviction, be subject to receive the same punish-  
 6 ment and penalties now fixed and provided by the Statutes of the State of  
 7 Illinois, in such cases.

Sec. 4. Any person not a legal citizen of the United States of America,  
 2 who violates the provisions of this Act by conducting, operating or running any  
 3 place or business not a saloon or dramshop, and for the conduct, operation and  
 4 running of which, a license is required by the laws of the State of Illinois  
 5 shall, for each and every day such person is so engaged in conducting, operating  
 6 or running such place or business be deemed and held in law to be guilty of



7 a misdemeanor, and upon conviction thereof, shall be fined in any sum not  
8 less than ten dollars, nor more than one hundred dollars.

Sec. 5. Any person not a legal citizen of the United States of America,  
2 who violates the provisions of this Act by being in any way financially inter-  
3 ested in, as stockholder, owner, partner or otherwise, in a saloon, dramshop  
4 or other place or business in which under the laws of the State of Illinois, a  
5 license is required by law to operate, conduct or run same, shall, for each and  
6 every day such person is so financially interested in such saloon, dramshop  
7 or other place or business that is being operated, conducted or run or carried  
8 on, be deemed and held in law to be guilty of a misdemeanor, and upon convic-  
9 tion thereof, shall be fined in any sum not less than ten dollars nor more than  
10 one hundred dollars.

Sec. 6. Every day that any such saloon, dramshop or other place or busi-  
2 ness as specified herein, by the provisions of this Act, shall be conducted, oper-  
3 ated or run, and every day that any person specified herein, by the provisions  
4 of this Act, shall be financially interested in any such saloon, dramshop or other  
5 place or business so conducted, operated or run, shall be deemed and held in  
6 law to constitute a separate and distinct offense.



- 1 Introduced by Mr. York, May 13, 1909.
- 2 Read a first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act to amend section ninety-one (91) of an Act entitled, "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, as amended by Act approved March 29, 1875, in force July 1, 1875.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section ninety-one (91) of an Act entitled, "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by Act approved March 29, 1875, in force July 1, 1875, be amended to read as follows:

Sec. 91. The law terms of the county court of Saline county shall commence on the second Mondays in the months of February, May, August and November.





- 
- 1 Introduced by Committee on Labor and Industrial Affairs May 13, 1909.
  - 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to allow children of twelve years of age or over to take part and be employed in dramatic or theatrical performances or rehearsals for the same, to regulate the same and to provide for the punishment for violation of this Act.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be lawful for a child of twelve years  
3 or over to take part in a dramatic or theatrical entertainment or rehearsal for  
4 the same for compensation: *Provided*, said child is accompanied on the stage or  
5 place where such dramatic or theatrical entertainment or rehearsal for the  
6 same is given, by its parent or parents or guardian: *And, provided, further,*  
7 that before said child shall take part in said dramatic or theatrical entertain-  
8 ment or rehearsal for the same, it, together with its parent or parents or  
9 guardian, shall appear before the county or probate court of the county in  
10 which it resides, or, in case it have no residence in this State, then before any

11 county or probate court of this State, and there it and its parent or parents or  
12 guardian be examined by said county or probate judge under oath as to its  
13 age, and if said judge shall then be satisfied that said child is of the age of  
14 twelve years or over, he shall issue a certificate to that effect, which certificate  
15 said child shall place in the possession of the manager of the theatrical com-  
16 pany in which it takes part before appearing in said dramatic or theatrical  
17 performance or rehearsal for the same and which said certificate shall, by said  
18 manager, be exhibited to the Factory Inspector of this State, or his deputy,  
19 upon his request. If any such child shall have no parent or guardian the  
20 county or probate court aforesaid shall, upon petition of the next of kin or next  
21 friend of such child, appoint a guardian for said child and the same proceed-  
22 ing shall then be had as in the case of a child having a parent or parents or  
23 guardian: *And, provided, further,* that it shall be unlawful for any theatrical  
24 manager, agent or other person to employ any child under the age of fourteen  
25 for, or to permit any such child to appear in any play or exhibition as a rope or  
26 wire walker, wrestler, contortionist or acrobat, or any child in any capacity in  
27 any indecent or immoral exhibition or play, or in any play or exhibition in any  
28 place where intoxicating liquors are sold.

Sec. 2. Any person, firm or corporation violating any of the provisions  
2 of this Act shall, upon conviction thereof, be fined not more than \$500 or sen-  
3 tenced to the county jail for not less than one month and not more than one  
4 year or both, in the discretion of the court.

- 1 Introduced by Committee on appropriations, May 14, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act making appropriations for the State charitable institutions herein  
named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the following sums be and are hereby appro-  
priated to the State institutions named in this Act, for the purposes herein  
stated, for the two years beginning July 1, 1909, the sum of \$1,300,815.00, and  
that the appropriations shall be apportioned between the institutions and shall  
be payable as herein stated, as follows:

|  |              |
|--|--------------|
| To the Northern Hospital for the Insane, Elgin—          |              |
| Repairs and improvements, \$12,000.00 per annum. . . . . | \$ 24,000 00 |
| Painting, \$2,500.00 per annum. . . . .                  | 5,000 00     |
| Improvement of grounds, \$2,000 per annum. . . . .       | 4,000 00     |
| Iron bedsteads. . . . .                                  | 3,000 00     |

|    |   |              |
|----|---|--------------|
| 12 | Live Stock.....                               | 2,500 00     |
| 13 | Farm implements and buildings.....            | 2,500 00     |
| 14 | Cold storage and ice plant.....               | 25,000 00    |
| 15 | Re-wiring main building .....                 | 15,000 00    |
| 16 | Under ground electric cable .....             | 3,000 00     |
| 17 | Reconstruction of four dormitories .....      | 16,000 00    |
| 18 | New maple flooring .....                      | 3,000 00     |
| 19 | Additional to complete hospital cottage ..... | 15,000 00    |
| 20 | Mechanical stokers and fire walls .....       | 2,500 00     |
|    |   | -----        |
| 21 | Total .....                                   | \$120,500 00 |

22 To the Eastern Hospital for the Insane, Kankakee—

|    |  |              |
|----|--|--------------|
| 23 | Repairs and improvements, \$45,000 per annum .....     | \$90,000 00  |
| 24 | Improvement of grounds, \$2,000 per annum .....        | 4,000 00     |
| 25 | Painting, \$4,000 per annum .....                      | 8,000 00     |
| 26 | Plumbing .....   | 5,000 00     |
| 27 | Live stock and farm implements .....                   | 4,000 00     |
| 28 | Maintenance of Psychopathic Institute, two years ..... | 15,500 00    |
| 29 | Iron beds and mattresses .....                         | 7,000 00     |
| 30 | Power house and water supply .....                     | 25,000 00    |
| 31 | New building complete .....                            | 75,000 00    |
| 32 | Additional land .....                                  | 20,000 00    |
|    |  | -----        |
| 33 | Total .....  | \$253,500 00 |

34 To the Central Hospital for the Insane, Jacksonville—

|    |  |             |
|----|--|-------------|
| 35 | Repairs and improvements, \$14,000 per annum ..... | \$28,000 00 |
| 36 | Improvement of grounds, \$1,000 per annum .....    | 2,000 00    |
| 37 | Painting, \$3,000 per annum .....                  | 6,000 00    |



|    |  |              |
|----|--|--------------|
| 38 | Plumbing, \$2,500 per annum .....                    | 5,000 00     |
| 39 | Library, \$500 per annum.....                        | 1,000 00     |
| 40 | Live stock and farm implements.....                  | 2,500 00     |
| 41 | New furniture .....                                  | 3,000 00     |
| 42 | Bathing and closet facilities.....                   | 15,000 00    |
| 43 | Remodeling 16 dining rooms .....                     | 6,000 00     |
| 44 | New building complete .....                          | 75,000 00    |
| 45 | Greenhouse .....                                     | 5,000 00     |
|    |  | -----        |
| 46 | Total .....  | \$148,500 00 |
| 47 | To the Southern Hospital for the Insane, Anna—       |              |
| 48 | Ordinary deficit for year ending June 30, 1909 ..... | \$25,000 00  |
| 49 | Repairs and improvements, \$10,000 per annum .....   | 20,000 00    |
| 50 | Improvements of grounds, \$2,000 per annum .....     | 4,000 00     |
| 51 | Farm machinery and stock, \$1,000 per annum .....    | 2 000 00     |
| 52 | Library, \$500 per annum .....                       | 1,000 00     |
| 53 | Painting, \$2,000 per annum .....                    | 4,000 00     |
| 54 | Widening road and building retaining wall .....      | 2,000 00     |
| 55 | Building for tubercular patients.....                | 25,000 00    |
| 56 | Workshop and equipment .....                         | 7,500 00     |
| 57 | Cow barn .....                                       | 5,000 00     |
| 58 | Building addition to store room.....                 | 4,000 00     |
| 59 | Purchase of cows .....                               | 2,500 00     |
| 60 | Telephone system .....                               | 1,500 00     |
| 61 | New plumbing .....                                   | 4,000 00     |
| 62 | Completion of power plant .....                      | 10,000 00    |
| 63 | Fire protection and water supply.....                | 12,000 00    |

|    |  |              |
|----|--|--------------|
| 64 | Floors .....   | 2,500 00     |
| 65 | Farm land .....  | 22,000 00    |
| 66 | Total .....  | \$154,000 00 |
| 67 | To the Western Hospital for the Insane, Watertown—               |              |
| 68 | Repairs and improvements, \$10,000 per annum .....               | \$20,000 00  |
| 69 | Improvement and care of farm and grounds, \$5,000 per annum..... | 10,000 00    |
| 70 | Library and pictures, \$1,000 per annum .....                    | 2,000 00     |
| 71 | Cold storage plant .....   | 10,000 00    |
| 72 | Land .....   | 7,000 00     |
| 73 | Total .....  | \$39,000 00  |
| 74 | To the General Hospital for the Insane, South Bartonville—       |              |
| 75 | Repairs and improvements, \$10,000 per annum .....               | \$20,000 00  |
| 76 | Improvement of grounds, \$2,500 per annum .....                  | 5,000 00     |
| 77 | Stocking newly acquired farm .....                               | 8,000 00     |
| 78 | Hospital for advanced consumptives.....                          | 6,000 00     |
| 79 | Industrial building .....  | 10,000 00    |
| 80 | Congregate dining room .....                                     | 25,000 00    |
| 81 | One Psychopathic cottage .....                                   | 30,000 00    |
| 82 | Heating plant .....  | 20,000 00    |
| 83 | Total .....  | \$124,000 00 |
| 84 | To the Asylum for Insane Criminals, Menard—                      |              |
| 85 | Repairs and improvements, \$2,000 per annum .....                | \$4,000 00   |
| 86 | Furnishings and refurnishings .....                              | 2,000 00     |
| 87 | Library, \$200 per annum .....                                   | 400 00       |
| 88 | Total .....  | \$6,400 00   |

## 89 To the Illinois School for the Deaf, Jacksonville—

|    |  |             |
|----|--|-------------|
| 90 | Repairs and improvements, \$15,000 per annum ..... | \$30,000 00 |
| 91 | Library, \$500 per annum .....                     | 1,000 00    |
| 92 | Laundry machinery .....                            | 2,000 00    |
| 93 | Trades industries machinery .....                  | 2,000 00    |
| 94 | School wall slates .....                           | 500 00      |
|    |  | — — —       |
| 95 | Total .....  | \$35,500 00 |

## 96 To the Illinois School for the Blind, Jacksonville—

|     |   |             |
|-----|---|-------------|
| 97  | Repairs and improvements, \$3,500 per annum .....             | \$ 7,000 00 |
| 98  | Materials for printing, \$500 per annum .....                 | 1,000 00    |
| 99  | Teachers' library and apparatus, \$500 per annum .....        | 1,000 00    |
| 100 | Free circulating library for the blind, \$500 per annum ..... | 1,000 00    |
| 101 | Renewing heating system .....                                 | 1,500 00    |
| 102 | Remodeling buildings .....                                    | 12,000 00   |
|     |   | — — —       |
| 103 | Total .....   | \$23,500 00 |

## 104 To the Illinois Industrial Home for the Blind, Chicago—

|     |   |             |
|-----|---|-------------|
| 105 | Repairs and improvements, \$2,500 per annum ..... | \$ 5,000 00 |
| 106 | Working capital, \$7,500 per annum .....          | 15,000 00   |
|     |   | — — —       |
| 107 | Total .....                                       | \$20,000 00 |

## 108 To the Asylum for Feeble Minded Children, Lincoln

|     |  |             |
|-----|--|-------------|
| 109 | Repairs and improvements, \$10,000 per annum ..... | \$20,000 00 |
| 110 | Improvement of grounds, \$2,000 per annum .....    | 4,000 00    |
| 111 | Painting, \$1,250 per annum .....                  | 2,500 00    |
| 112 | Plumbing, \$2,500 per annum .....                  | 5,000 00    |
| 113 | Library, \$500 per annum .....                     | 1,000 00    |

|                                |             |
|--------------------------------|-------------|
| 114 Bakery .....               | 3,500 00    |
| 115 Gymnasium apparatus .....  | 2,000 00    |
| 116 Car and wagon scales ..... | 500         |
| 117 Farm house addition .....  | 10,000 00   |
| 118 Work shop .....            | 10,000 00   |
| 119 Farm tiling .....          | 2,500 00    |
| <hr/>                          |             |
| 120 Total .....                | \$61,000 00 |

121 To the Soldiers' and Sailors' Home, Quincy—

|  |              |
|--|--------------|
| 122 Repairs and improvements, \$15,000 per annum ...           | \$ 30,000 00 |
| 123 Library, \$600 per annum .....                             | 1,200 00     |
| 124 Painting, \$2,500 per annum .....                          | 5,000 00     |
| 125 Grounds, roads, walks and bridges, \$1,500 per annum ..... | 3,000 00     |
| 126 Improvement of cemetery .....                              | 1,000 00     |
| 127 Two new boilers .....                                      | 13,000 00    |
| 128 New smoke stack .....                                      | 5,500 00     |
| 129 Grading around new cottages.....                           | 1,000 00     |
| 130 One heater for exhaust steam.....                          | 700 00       |
| 131 Pipe covering and hot water mains.....                     | 4,500 00     |
| 132 Electric light plant .....                                 | 26,000 00    |
| <hr/>  |              |
| 133 Total .....  | \$90,900 00  |

134 To the Soldiers' Orphans' Home, Normal—

|   |             |
|---|-------------|
| 135 Repairs and improvements, \$3,500 per annum ..... | \$ 7,000 00 |
| 136 Library, \$400 per annum .....                    | 800 00      |
| 137 Fire protection .....                             | 2,000 00    |
| 138 Painting ..                                       | 1,200 00    |
| 139 Re-wiring old building .....                      | 600 00      |



|     |  |             |
|-----|--|-------------|
| 140 | Iron stairs .....  | 600 00      |
| 141 | Concrete walks and floors .....0.....                            | 1,000 00    |
| 142 | Iron beds and springs.....                                       | 1,000 00    |
| 143 | Industrial shop equipment.....                                   | 2,215 00    |
| 144 | Installing electric plant .....                                  | 4,000 00    |
| 145 | Plumbing .....   | 1,000 00    |
|     |  | -----       |
| 146 | Total .....  | \$21,415 00 |
| 147 | To the Soldiers' Widows' Home, Wilmington—                       |             |
| 148 | Repairs and improvements, \$2,250 per annum .....                | \$ 4,500 00 |
| 149 | Improvement of grounds, \$500 per annum .....                    | 1,000 00    |
| 150 | Fire protection .....  | 500 00      |
|     |  | -----       |
| 151 | Total .....  | \$6,000 00  |
| 152 | To the Illinois Charitable Eye and Ear Infirmary, Chicago—       |             |
| 153 | Repairs and improvements, \$4,000 per annum .....                | \$ 8,000 00 |
| 154 | Library and amusement .....                                      | 500 00      |
| 155 | Fire escape on Peoria street and inside stand pipe and hose..... | 1,500 00    |
| 156 | New elevator .....   | 5,000 00    |
| 157 | To complete new addition and roof garden .....                   | 3,000 00    |
|     |  | -----       |
| 158 | Total .....  | \$18,000 00 |
| 159 | To the State Training School for Girls, Geneva—                  |             |
| 160 | Building repairs and improvements, \$6,000 per annum .....       | \$12,000 00 |
| 161 | Patrolling and supervising girls .....                           | 1,500 00    |
| 162 | Improvement of grounds .....                                     | 6,000 00    |
| 163 | Farm, garden and stock .....                                     | 4,000 00    |
| 164 | One cottage .....  | 25,000 00   |
| 165 | Switch track .....   | 3,000 00    |

|     |  |             |
|-----|--|-------------|
| 166 | Deficit in building four cottages.....                             | 4,000 00    |
| 167 | Furniture and equipment for new building .....                     | 6,000 00    |
| 168 | Deficit furniture fund, appropriation 1907 .....                   | 4,000 00    |
| 169 | Medical supplies and work .....                                    | 1,500 00    |
| 170 | Library .....  | 500 00      |
|     | •  | -----       |
| 171 | Total .....  | \$84,500 00 |
| 172 | To the St. Charles School for Boys, St. Charles—                   |             |
| 173 | Repairs and improvements, \$2,000 per annum .....                  | \$ 4,000 00 |
| 174 | Library and school supplies, \$500 per annum .....                 | 1,000 00    |
| 175 | Live stock and implements, \$1,000 per annum .....                 | \$2,000 00  |
| 176 | Parole officer, \$1,250 per annum.....                             | 2,500 00    |
| 177 | Walks .....  | 1,500 00    |
| 178 | Supplies and tools for industrial building, \$1,000 per annum..... | 2,000 00    |
| 179 | Painting, \$750 per annum .....                                    | 1,500 00    |
| 180 | Amusements, \$300 per annum .....                                  | 600 00      |
| 181 | One cottage .....  | 20,000 00   |
| 182 | Furnishing cottage .....   | 1,500 00    |
| 183 | Drainage and sewers .....  | 5,000 00    |
| 184 | Laundry and equipment .....  | 3,000 00    |
| 185 | Kitchen, bakery and equipment.....                                 | 2,000 00    |
| 186 | Administration building .....                                      | 35,000 00   |
| 187 | Furnishing and equipping hospital.....                             | 1,500 00    |
| 188 | Additional equipment for power plant and new smoke stack.....      | 5,000 00    |
| 189 | Septic tank .....  | 500 00      |
| 190 | Railroad scales .....  | 500 00      |
| 191 | Furnishing administration building.....                            | 5,000 00    |
|     |  | -----       |
| 192 | Total .....  | \$94,100 00 |

Sec. 2. The money herein appropriated shall be due and payable to the  
2 trustees of the several institutions herein named, or their order, only on the  
3 terms and in the manner now provided by law.





- 1 Introduced by Committee on Appropriations May 14, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act making an appropriation for the ordinary and other expenses of the State charitable institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this Act, for the year beginning July 1, 1909, the sum of \$2,386,000, payable quarterly in advance, and the said appropriations shall be apportioned among the institutions as follows: To the

|   |           |
|---|-----------|
| 7 Northern Hospital for the Insane, Elgin .....       | \$210,000 |
| 8 Eastern Hospital for the Insane, Kankakee .....     | 406,000   |
| 9 Central Hospital for the Insane, Jacksonville ..... | 225,000   |
| 10 Southern Hospital for the Insane, Anna .....       | 205,000   |
| 11 Western Hospital for the Insane, Watertown .....   | 200,000   |

|    |   |             |
|----|---|-------------|
| 12 | General Hospital for the Insane, South Bartonville..... | 180,000     |
| 13 | Asylum for Insane Criminals, Menard .....               | 40,000      |
| 14 | Illinois School for the Deaf, Jacksonville .....        | 125,000     |
| 15 | Illinois School for the Blind, Jacksonville .....       | 55,000      |
| 16 | Illinois Industrial Home for the Blind, Chicago.....    | 22,500      |
| 17 | Asylum for Feeble Minded Children, Lincoln .....        | 200,000     |
| 18 | Soldiers' and Sailors' Home, Quincy.....                | 205,000     |
| 19 | Soldiers' Orphans' Home, Normal.....                    | 67,500      |
| 20 | Soldiers' Widows' Home, Wilmington.....                 | 25,000      |
| 21 | Illinois Charitable Eye and Ear Infirmary, Chicago..... | 50,000      |
| 22 | State Training School for Girls, Geneva .....           | 90,000      |
| 23 | St. Charles School for Boys, St. Charles .....          | 80,000      |
| 24 |   |             |
| 25 | Total .....   | \$2,386,000 |

Sec. 2. For the purpose of defraying the ordinary expenses of the State

2 institutions named in this Act for the year beginning July 1, 1910. the sum of  
3 \$2,536,000 is appropriated, payable quarterly in advance, and the said ap-  
4 propriation shall be apportioned among the institutions as follows, until the  
5 expiration of the first fiscal quarter after the adjournment of the next Gen-  
6 eral Assembly: To the

|    |  |           |
|----|--|-----------|
| 7  | Northern Hospital for the Insane, Elgin .....            | \$210,000 |
| 8  | Eastern Hospital for the Insane, Kankakee .....          | 406,000   |
| 9  | Central Hospital for the Insane, Jacksonville .....      | 225,000   |
| 10 | Southern Hospital for the Insane, Anna .....             | 205,000   |
| 11 | Western Hospital for the Insane, Watertown .....         | 200,000   |
| 12 | General Hospital for the Insane, South Bartonville ..... | 300,000   |
| 13 | Asylum for Insane Criminals, Menard.....                 | 40,000    |

|    |   |             |
|----|---|-------------|
| 14 | Illinois School for the Deaf, Jacksonville .....        | 125,000     |
| 15 | Illinois School for the Blind, Jacksonville .....       | 55,000      |
| 16 | Illinois Industrial Home for the Blind, Chicago.....    | 22,500      |
| 17 | Asylum for Feeble Minded Children,, Lincoln.....        | 200,000     |
| 18 | Soldiers' and Sailors' Home, Quincy.....                | 205,000     |
| 19 | Soldiers' Orphans' Home, Normal.....                    | 67,500      |
| 20 | Soldiers' Widows' Home, Wilmington.....                 | 25,000      |
| 21 | Illinois Charitable Eye and Ear Infirmary, Chicago..... | 50,000      |
| 22 | State Training School for Girls, Geneva.....            | 100,000     |
| 23 | St. Charles School for Boys, St. Charles.....           | 100,000     |
| 24 |   |             |
| 25 | Total .....   | \$2,536,000 |

Sec. 3. All moneys herein appropriated shall be due and payable to the  
2 trustees of the several institutions named, or to their order, only on the terms  
3 and in the manner provided in the nineteenth section of an Act entitled, "An  
4 Act to regulate the State charitable institutions and the State reform school  
5 and to improve their organization and increase their efficiency."





- 1 Introduced by Committee on Appropriations, May 14, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

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A BILL

For an Act making appropriations for one colony for insane epileptics.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the sum of \$235,000.00 be and is hereby appro-

3 priated for the purpose of establishing one colony at the Eastern Illinois Hos-

4 pital for the Insane at Kankakee, one colony for the care and treatment of in-

5 sane epileptic inmates of State hospitals for the insane, and that the appropria-

6 tion shall be apportioned as follows:

|                            |              |
|----------------------------|--------------|
| 7 New buildings .....      | \$150,000.00 |
| 8 Furnishing same .....    | 12,000.00    |
| 9 Tunnel connections ..... | 35,000.00    |
| 10 Maintenance .....       | 48,000.00    |
| 11 Total .....             | \$235,000.00 |



AMENDMENT TO

46th Assem.

HOUSE—No. 725

May 1909

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AMENDMENT NO. 1.

Amend House Bill No. 725 by striking out the figures “35,000” in the item for tunnel connections and insert in lieu thereof the figures “25,000.”

THE UNIVERSITY OF CHICAGO

1931-1932

1931-1932

1931-1932

1931-1932



- 1 Introduced by Committee on Judiciary, May 17, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

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**A BILL**

For an Act to define personal property brokers and regulate their charges and  
business.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any person, firm or corporation that may  
3 hereafter engage in the business of loaning or advancing any sum of money  
4 and taking as security for the re-payment of the same any mortgage, bill of  
5 sale intended to operate as a mortgage, or any other obligation or contract,  
6 involving as security the forfeiture of rights in household goods, horses,  
7 mules or wagons, or any tools or implements required by any person in his  
8 trade or occupation, or take as such security any form of an assignment or  
9 transfer or of lien upon the salary, wages or other compensation of any per-  
10 son, is hereby defined to be a personal property broker, and he or they shall  
11 be permitted to charge as interest on any such loan a rate not in excess of

12 thirty (30) per centum per annum, and shall not charge as such interest at a  
13 rate in excess of thirty (30) per centum per annum.

Sec. 2. The word "interest," as used in this Act, shall include any and  
2 all charges as and for commissions for the procurement of any such loan  
3 and any and all charges for inspection or supervision of any property in-  
4 volved as such security, as well as any charge for the preparation of the evi-  
5 dences of such loan of such security.

Sec. 3. No person, firm or corporation shall be engaged wholly or in  
2 part in the business of making such loans, secured wholly or in part by any  
3 of the classes of security enumerated in section 1 thereof, unless at the time  
4 of being so engaged such person, firm or corporation shall have on file in the  
5 office of the county clerk of each county in which such person, firm or cor-  
6 poration is carrying on such business, a statement, showing the name or names  
7 and business address of the person, firm or corporation so engaged; and if  
8 such business is being carried on by a firm, the full name and business ad-  
9 dress of each member of such firm.

Sec. 4. No person, firm or corporation shall enter upon or carry on the  
2 business of loaning money and taking as security thereon, either wholly or in  
3 part, for the repayment thereof, any of the classes of security enumerated  
4 in section 1 hereof until such person, firm or corporation shall also have filed  
5 in the office of the county clerk of each county in which such person, firm or  
6 corporation is carrying on such business, a bond in the penal sum of five thou-  
7 sand dollars (\$5,000), executed by such person, firm or corporation as princi-  
8 pal, and with surety or sureties to the approval of such county clerk, which  
9 bond shall run to the State of Illinois for the use of any person or persons  
10 who may have a cause of action against the obligor of said bond under the  
11 provisions of this Act, and shall be conditioned that the said obligor will con-

12 form to each and every provision of this Act, and shall pay to any such per-  
13 son or persons having such cause of action any and all money that would be  
14 due such person or persons from the said obligor under and by virtue of the  
15 provisions of this Act.

Sec. 5. No person, firm or corporation shall make any loan of money, the  
2 repayment of which is secured wholly or in part by any of the classes of secur-  
3 ity enumerated in section 1 hereof, unless each and every written evidence  
4 of such obligation or security shall contain the recital of the exact amount of  
5 money so loaned, together with the rate of interest per annum that the bor-  
6 rower had agreed to pay to such lender for the use of same. It shall be the  
7 duty of the owner or holder of any such obligation, and any of his employes  
8 or representatives having authority to receive the payment or part payment  
9 thereof, to furnish, on request, to the person making any payment thereon, a  
10 statement in writing, signed in the name of such owner or holder, by the per-  
11 son receiving such payment, which statement shall show the amount and date  
12 of the making of such payment; and it shall be unlawful for any such per-  
13 son, firm or corporation, or any person representing any such person, firm or  
14 corporation, to assign or transfer any such obligation or evidence of indebted-  
15 ness or any such evidences of security until such person, firm or corporation  
16 shall have endorsed on such written evidence of such indebtedness or such  
17 security, a statement showing the exact amount or amounts of any and all pay-  
18 ments or credits that have been made upon such loan so evidenced.

Sec. 6. If any person, firm or corporation so engaged in the business of  
2 loaning money and taking as security, either wholly or in part, for the repay-  
3 ment of same, any of the classes of security enumerated in section 1 hereof,  
4 shall charge as interest on said loan a rate or amount in excess of thirty (30)  
5 per centum per annum upon the amount of money actually so loaned, the obli-

6 gation of any person or persons making such loan to pay any interest there-  
 7 on, and any and all security given for the repayment of said loan and interest  
 8 thereon, shall be absolutely void, and no action or suit for the enforcement or  
 9 foreclosure of any such security as enumerated in section one (1) of this Act  
 10 shall be brought except in a court of equity, and every defendant to such ac-  
 11 tion shall be entitled to set up by way of defense his plea of usury, and upon  
 12 it appearing that a rate in excess of thirty (30) per centum per annum has  
 13 been charged to such person or persons upon such loan, then no action shall  
 14 be maintained to recover such interest or to enforce any such security; and  
 15 any person or persons who shall be charged, as interest on any such loan, in  
 16 excess of thirty (30) per centum per annum and shall have paid such excess  
 17 interest, or any part thereof, may recover in an action in a court of competent  
 18 jurisdiction from and against any person, firm or corporation receiving such  
 19 excess interest, or any part thereof, a judgment in a sum equivalent to the  
 20 entire amount of interest so paid on said loan; and any such action may be  
 21 commenced at any time within fifteen years after the time of the payment of  
 22 such excess interest, and not thereafter. The surety or sureties upon the bond  
 23 herein provided for to be filed in the office of the county clerk shall be liable  
 24 for the payment of such judgment, whether a condition providing therefor be  
 25 contained in such bond or not.

Sec. 7. No person, firm or corporation that shall be the owner, or holder,  
 2 wholly or in part, of any of the classes of security enumerated in sec-  
 3 tion 1 hereof, which shall have been given to secure the payment of a loan  
 4 of money, and no person, firm or corporation that may have any rights in or  
 5 lien upon any such security, shall refuse, on request of any person interested  
 6 in such property, to execute and deliver to such person, written evidence of  
 7 the discharge of such security after the loan and interest thereon shall have  
 8 been paid in full. If any such person, firm or corporation, being such owner



9 or holder of any such security, or that may have any rights in or lien upon  
10 the same, shall refuse or neglect to execute and deliver such discharge or re-  
11 lease to any such person when such person shall have become entitled to the  
12 same, such person, firm or corporation so refusing shall pay to such person so  
13 requesting such written evidence of such discharge and release, the sum of  
14 one hundred dollars (\$100.00), as and for a penalty for such neglect or re-  
15 fusal, and the surety or sureties upon the bond herein provided for to be filed  
16 in the office of the county clerk, shall be liable for the payment of such pen-  
17 alty, whether a condition providing therefor be contained in such bond or not.

Sec. 8. No employe or other representative of any such person, firm or  
2 corporation so engaged in the business of loaning money upon any of the  
3 classes of security enumerated in section 1 of this Act shall refuse or neglect  
4 to perform any of the acts required nor shall do any of the things prohibited  
5 by this Act.

Sec. 9. Any person, firm or corporation, or any employe or representa-  
2 tive of any such person, firm or corporation, who shall fail to comply with or  
3 violate any of the provisions of this Act, shall be deemed guilty of a misde-  
4 meanor and shall, on conviction thereof, be punished by a fine of not less than  
5 fifty dollars (\$50.00) or more than two hundred dollars (\$200.00), or may be  
6 imprisoned not more than ninety (90) days, or may be both so fined and im-  
7 prisoned, in the discretion of the court.

Sec. 10. All Acts and parts of Acts in conflict herewith are hereby  
2 repealed.



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- 1 Introduced by Mr. Chipperfield, May 18, 1909.
  - 2 Read first time, ordered printed and to a second reading without reference.

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A BILL

For an Act to repeal, set aside, cancel, determine and annul all of the rights, privileges, franchises and easements of “The Chicago Dock and Canal Company” as conferred upon it by an Act of the General Assembly of the State of Illinois entitled “An Act to incorporate a company for the improvement by canals and harbors of the east part of Kenzie’s addition to the city of Chicago,” approved February 12, 1857.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That all the rights, privileges, franchises and ease-  
3 ments of water and land of “The Chicago Dock and Canal Company” con-  
4 ferred upon it by an Act entitled “An Act to incorporate a company for the  
5 improvements by canals and harbors of the east part of Kenzie’s addition to  
6 the city of Chicago,” approved February 12, 1857, and as well also all rights of  
7 property, real, personal and mixed, that can or may be asserted by said com-

8 pany to the waters of Lake Michigan or to the soil under the same, whether it  
9 be to the present made land or easements in the same be and the same are  
10 hereby declared to be the property of the State of Illinois, and any license,  
11 privilege, easement, claim or franchise now outstanding in said company to the  
12 waters and lands of Lake Michigan under or by virtue of its charter under the  
13 Act of 1857, creating it are each and all hereby declared forfeited, determined,  
14 set aside, revoked and annulled for non-user, and it is further hereby declared  
15 that said company shall, hereafter, possess no further rights or easements, not  
16 enjoyed by the public, in and to the lands and waters of Lake Michigan.



AMENDMENTS TO

46th Assem.

HOUSE—No. 727

May 1909

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Adopted May 19, 1909.

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AMENDMENT NO. 1.

Amend the title of the bill by inserting after the words "The Chicago Dock and Canal Company," where the same appears therein the words "its assigns, lessees, successors or grantees."

AMENDMENT NO. 2.

Amend section 1 of the bill by inserting in line 2 of the printed bill after the words "The Chicago Dock and Canal Company," the words "its assigns, successors, lessees or grantees."

AMENDMENT NO. 3.

Insert in said printed bill after the word "Company," in line 6 thereof the words "its assigns, successors, lessees or grantees."

AMENDMENT NO. 4.

Insert in said printed bill after the word "Company," in line 11 thereof the words "its assigns, successors, lessees or grantees."

## AMENDMENT NO. 5.

Insert in said printed bill after the word "Company," in line 15 thereof the words "its assigns, successors, lessees or grantees."

- 1 Introduced by Mr. Lantz, May 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Drainage and Waterways.

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## A BILL

For an Act to amend section twelve (12) of an Act entitled, "An Act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act approved May 13, 1897, in force July 1, 1897; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 11, 1905, in force July 1, 1905; as amended by an Act approved May 25, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section twelve (12) of an Act entitled, "An  
3 Act to create sanitary districts and remove obstructions in the Desplaines and  
4 Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by  
5 an Act approved May 13, 1897, in force July 1, 1897; as amended by an Act  
6 approved May 10, 1901, in force July 1, 1901; as amended by an Act approved

7 May 11, 1905, in force July 1, 1905; as amended by an Act approved May 25,  
8 1907, in force July 1, 1907, be amended so as to read as follows:

9       Sec. 12. The board of trustees may levy and collect taxes for corpo-  
10 rate purposes upon property within the territorial limits of such sanitary dis-  
11 trict, the aggregate amount of which in any one year shall not exceed one per  
12 centum of the value of the taxable property within the corporate limits as the  
13 same shall be assessed and equalized for the county taxes for the year in which  
14 the levy is made. Said board shall cause the amount to be raised by taxation  
15 in each year, to be certified to the county clerk on or before the second Tues-  
16 day in August as provided in section one hundred and twenty-two of the gen-  
17 eral revenue law. All taxes so levied and certified shall be collected and en-  
18 forced in the same manner and by the same officers as State and county taxes,  
19 and shall be paid over by the officer collecting the same to the treasurer of  
20 the sanitary district, in the manner and at the time provided by the general  
21 revenue law: *Provided*, that no part of the taxes hereby authorized shall be  
22 used by such drainage district for the construction of permanent, fixed, im-  
23 movable bridges across any channel constructed under the provisions of this  
24 Act: *And, provided, further*, that all bridges built across such channel shall  
25 not necessarily interfere with or obstruct the navigation of such channel, when the  
26 same becomes a navigable stream, as provided in section 24 of this Act, but  
27 such bridges shall be so constructed that they can be raised, swung or moved  
28 out of the way of vessels, tugs, boats or other water craft navigating such  
29 channel: *And, provided, further*, that nothing in this Act shall be so construed  
30 as to compel said district to maintain or operate said bridges, as movable  
31 bridges, for a period of nine years from and after the time when the water has  
32 been turned into said channel pursuant to law, unless the needs of general navi-  
33 gation on the Desplaines and Illinois rivers, when connected by said channel  
34 sooner require it: *And, provided, further*, that no part of such tax shall be



35 levied or collected for the corporate purposes of such sanitary district upon the  
36 property lying within the territorial limits of such sanitary district embraced  
37 and included within such sanitary district by virtue of an Act entitled, "An Act  
38 in relation to the sanitary district of Chicago, to enlarge the corporate limits  
39 of said district and to provide for the navigation of the channels created by such  
40 district and to construct dams, water wheels and other works necessary to de-  
41 velop and render available the power arising from the water passing through  
42 its channels and to levy taxes therefor," approved May 14, 1903, in force July  
43 1, 1903, until such district has made provision for the laying out, establishing,  
44 constructing and maintaining of such channels, drains, ditches and outlets for  
45 carrying off and disposing of the drainage and sewage in such territory and  
46 has obtained the consent of the United States government to divert the waters  
47 of Lake Michigan for all such purposes.



- 1 Introduced by Mr. Carter, May 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act to amend section 38 of an Act entitled “An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water,” approved June 24, 1895, in force July 1, 1895, as amended by an Act approved April 22, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 38 of an Act entitled “An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water,” approved June 24, 1895, in force July 1, 1895, as amended by Act approved April 22, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

Sec. 38. HOW PROPERTY MAY BE ANNEXED [ELECTION, ETC.] Territory adjoining and in the same county with any park district organized under this Act

9 may be annexed to and become a part of such district in the manner following:  
 10 Any one hundred legal voters, residents within the territory proposed to be  
 11 annexed, may petition the county judge of the county wherein land proposed  
 12 to be annexed lies, to cause the question to be submitted to the legal voters of  
 13 such park district and of the territory proposed to be annexed whether such  
 14 territory shall be annexed and become a part of the adjoining park district, and  
 15 the petition shall set forth the name of the park district and define the limits of  
 16 the territory proposed to be annexed thereto: *Provided, however, if the legal*  
 17 *voters residents within the territory proposed to be annexed are fewer than one*  
 18 *hundred (100) in number, a majority of such legal voters, together with a ma-*  
 19 *jority of the owners of lands within the territory proposed to be annexed, who*  
 20 *shall have arrived at lawful age and who represent a major portion in area of*  
 21 *the land within such territory may petition in like manner as above provided.*  
 22 Upon the filing of the petition in the office of the county clerk of the county in  
 23 which such territory is situated, it shall be the duty of the county judge of said  
 24 county to order an election to be held in the territory proposed to be annexed,  
 25 and also in said park district, and in such order said judge shall fix the time and  
 26 place or places, when and where such special election may be held to deter-  
 27 mine the question of annexation, and shall name the persons to act as judges  
 28 of such election, and shall give at least twenty days' notice thereof by causing  
 29 notice to be posted in five public places within the territory proposed to be  
 30 annexed, and also in five public places within such park district. The ballot to  
 31 be used at such election shall be in the following form:

32 "For annexation."

33 "Against annexation."

34 The judges at such election shall make return thereof to the county judge  
 35 who shall canvass such returns and cause a statement of the result of such elec-  
 36 tion to be entered upon the records of the county court, a certified copy of



37 which record shall be by said commissioners spread upon the records of said  
38 park district. If a majority of the votes cast upon that question at such elec-  
39 tion in the territory proposed to be annexed shall be for annexation, and also  
40 if a majority of the votes cast upon that question in the park district shall be  
41 for annexation, then said adjoining territory shall thenceforth become and be  
42 a part of such district the same as though originally included therein.



- 1 Introduced by Mr. Shanahan, May 18, 1909.
- 2 Read first time, ordered printed and to a second reading.

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## A BILL

For an Act to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be, and are hereby, appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

7 *First*—A sum not to exceed \$5,000 per annum shall be subject to the order  
8 of the Governor for the purpose of defraying such public expenses of the State  
9 government as are unforeseen by the General Assembly, and not otherwise pro-  
10 vided for by law.

11       *Second*—To the Governor, the sum of \$11,000 per annum for secretary to  
 12 the Governor, for the performance of such official duties of the Governor as  
 13 may be required of him, and for the executive clerk, index and general clerk,  
 14 stenographer, assistant stenographer, messenger and janitor; payable monthly,  
 15 as hereinafter named.

16       *Third*—To the Governor, the sum of \$3,000 per annum for Department and  
 17 Institution Auditor; for his assistant, \$1,000 per annum; and for his traveling  
 18 and necessary expenses, the sum of \$1,500 per annum.

19       *Fourth*—To the Governor, the further sum not to exceed \$5,000 per annum  
 20 for postage, expressage, telegraphing, telephoning, traveling expenses and other  
 21 expenses connected with the Governor's office, payable as hereinafter named.

22       *Fifth*—To the Governor, for the care of the Executive Mansion and grounds,  
 23 repairs, and for heating, lighting, expenses of public receptions, stable expenses  
 24 and other incidental expenses of the Executive Mansion, the sum of \$10,000 per  
 25 annum.

26       *Sixth*—To the Lieutenant Governor, for private secretary, stenographer  
 27 janitor and for postage, telegraphing, stationery, and all other incidental ex-  
 28 penses, the sum of \$3,400 per annum.

29       *Seventh*—To the Secretary of State, for clerk hire in his office, the following  
 30 sums: For chief clerk, \$3,000 per annum; for one assistant chief clerk, \$2,700  
 31 per annum; for one chief corporation clerk, \$2,200 per annum; for one corpora-  
 32 tion clerk, \$1,800 per annum; for one corporation clerk, \$1,500 per annum; for  
 33 one corporation clerk, \$1,200 per annum; for one foreign corporation clerk,  
 34 \$1,800 per annum; for one executive clerk, \$2,100 per annum; for one assistant  
 35 executive clerk, \$900 per annum; for one index clerk, \$2,100 per annum; for one  
 36 assistant index clerk, \$1,500 per annum; for one assistant index clerk, \$900 per  
 37 annum; for one anti-trust clerk, \$2,000 per annum; for one assistant anti-trust  
 38 clerk, \$1,200 per annum; for one assistant anti-trust clerk, \$1,000 per annum; for



39 one assistant anti-trust clerk, \$1,000 per annum; for one assistant anti-trust  
 40 clerk, \$1,000 per annum; for one shipping clerk, \$2,000 per annum; for one ship-  
 41 ping clerk, \$1,500 per annum; for one shipping clerk, \$1,200 per annum; for one  
 42 shipping clerk and janitor, \$1,200 per annum; for extra clerical services, \$1,800  
 43 per annum; for one private secretary and stenographer, \$2,100 per annum; for  
 44 one automobile clerk, \$1,200 per annum; for one supply clerk, \$2,100 per annum;  
 45 for one assistant supply clerk, \$1,500 per annum; for one property clerk, \$900  
 46 per annum; for six stenographers and type-writers, \$1,200 each per annum,  
 47 \$7,200 per annum; for one bookkeeper, \$1,600 per annum; for three porters  
 48 and messengers, \$1,020 each per annum, \$3,060 per annum; for one superinten-  
 49 dent of capitol building and grounds, \$2,400 per annum; for one assistant su-  
 50 perintendent of capitol building and grounds, \$1,500 per annum; for two car-  
 51 penters, \$1,000 each per annum, \$2,000 per annum; for nine policemen, \$800  
 52 each per annum, \$7,200 per annum; for four elevator conductors, \$800 each per  
 53 annum, \$3,200 per annum; for eighteen janitors, \$800 each per annum, \$14,400  
 54 per annum; for one janitress, \$800 per annum; for one flagman, \$800 per  
 55 annum; for one chief engineer, \$1,500 per annum; for two assistant engi-  
 56 neers, \$1,200 each per annum, \$2,400 per annum; for twelve firemen, \$900 each  
 57 per annum, \$10,800 per annum; for one weigher, \$1,000 per annum; for one  
 58 chief electrician, \$1,500 per annum; for three assistant electricians, \$1,200  
 59 each per annum, \$3,600 per annum; for one janitor and helper in lighting plant,  
 60 \$900 per annum; payable upon monthly pay-rolls certified to by the Secretary  
 61 of State; for expenses in connection with the corporation department, the sum of  
 62 \$3,500 per annum; to the Secretary of State, for postage, expressage, telegraph-  
 63 ing and other incidental expenses of his office, \$5,000 per annum; and for the pay-  
 64 ment of all other necessary incidental expenses incurred by the Secretary of  
 65 State in the care and custody of the State House and grounds and other State  
 66 property, and in repairs and improvements of same, and for the performance of

67 such other duties as may be imposed upon him by law, and for which no other ap-  
 68 propriation has been made, the sum of \$8,500 per annum; for the purpose of  
 69 enforcing the foreign corporation Act, the sum of \$5,000 per annum; for the  
 70 purpose of employing extra help in connection with the public printing of the  
 71 State, the sum of \$3,500 per annum.

72 *Eighth*—To the Secretary of State, for the purchase of fuel and for repairs  
 73 and other incidental expenses connected with heating the State House and other  
 74 buildings under his control, the sum of \$10,500 per annum; for repairing the  
 75 State House heating and lighting plants and other buildings under charge of  
 76 Secretary of State, \$2,500 per annum; for incidental expenses connected with  
 77 operating the State electric lighting plant, \$2,500 per annum.

78 *Ninth*—To the Secretary of State, such sums as may be necessary to enable  
 79 him to purchase such volumes of the reports of the decisions of the Supreme  
 80 Court as he is or may be, by law, required to purchase.

81 *Tenth*—To the Secretary of State, for the purchase of flags for the dome  
 82 of the capitol building for two years, the sum of \$200.

83 *Eleventh*—To the Secretary of State, for the purchase of books and for the  
 84 incidental expenses of the State library, the sum of \$2,000 per annum, payable  
 85 upon bills of particulars certified to by the Board of Commissioners of the State  
 86 Library. To the Secretary of State, for salary of assistant librarian, \$1,200 per  
 87 annum; for second assistant librarian, \$1,100 per annum; for third assistant  
 88 librarian, \$1,000 per annum; for fourth assistant librarian, \$1,000 per annum;  
 89 for fifth assistant librarian, \$900 per annum.

90 *Twelfth*—To the Secretary of State, for copying the laws, journals and  
 91 joint resolutions of the General Assembly, as provided by law, \$300, and for  
 92 expressage and postage on same, \$2,000 per annum.

93 *Thirteenth*—To the Secretary of State, for redecorating of House and  
 94 Senate chamber, the sum of \$6,500.

95       *Fourteenth*—To the Secretary of State, for expense of printing “Blue  
96 Book,” \$2,000.

97       *Fifteenth*—To the Secretary of State, for the purchase and installation of  
98 new desks and chairs for the House and Senate chambers, the sum of \$23,000.

99       *Sixteenth*—To the Board of Commissioners of State Contracts, for the  
100 purchase on contract, as required by law, and other necessary expenses con-  
101 nected therewith, of printing paper and stationery for the use of the General  
102 Assembly and the executive departments, the sum of \$80,000.

103       *Seventeenth*—To the Board of Commissioners of State Contracts, for  
104 public printing, the sum of \$100,000, or so much thereof as may be required;  
105 for public binding, the sum of \$40,000, or so much thereof as may be neces-  
106 sary; the public printing and binding to be paid according to contract. To  
107 the Board of Commissioners of State Contracts, the sum of ten thousand  
108 (\$10,000) dollars, or so much thereof as may be necessary for printing, pub-  
109 lishing, binding, distribution, etc., of a reprint or new edition of fifteen thou-  
110 sand copies of the book entitled Illinois Historical Collections, Vol. 3; the  
111 Lincoln-Douglas Debates of 1858, edited by Edwin Erle Sparks; the new edi-  
112 tion to be an exact duplication of the original edition.

113       *Eighteenth*—To the Auditor of Public Accounts, with necessary clerk hire  
114 in his office the following sums: For chief clerk, \$3,000 per annum; for war-  
115 rant clerk, \$2,600 per annum; for assistant warrant clerk, \$1,600 per annum;  
116 for revenue clerk, \$1,800 per annum; for land clerk, \$1,800 per annum; for  
117 file and index clerk, \$1,500 per annum; for two stenographers, \$1,200 per  
118 annum each, \$2,400 per annum; for one messenger clerk, \$900 per annum; for  
119 two janitors, \$800 per annum each, \$1,600 per annum; for additional clerk  
120 hire, \$4,500 per annum; also for postage, express charges, telegraphing and  
121 other incidental expenses, \$4,500 per annum. Also for the purpose of paying  
122 for the clerical services incidental to the banking and building and loan de-



123 partment, a sum not to exceed the fees received by them for examinations  
 124 and filing report for such blanks and building and loan associations, as now  
 125 provided by law to be accounted for by him in the regular report required  
 126 by law to be made. For expenses in the levying, collecting, completing and  
 127 keeping an account of the interest and principal on registered bonds, the sum  
 128 of \$5,000 per annum.

129       *Nineteenth*—The Auditor of Public Accounts, a sum not to exceed \$7,000  
 130 per annum, or so much thereof as may be necessary, for the conveying of  
 131 female offenders to the State Training School for Girls, and also the sum of  
 132 \$7,000 per annum, or so much thereof as may be necessary, for conveying of  
 133 delinquent boys to the St. Charles School for Boys, such payments in each  
 134 case to be ascertained and paid in the same manner as required by law for  
 135 for the conveying of prisoners to the penitentiary.

136       *Twentieth*—The Auditor of Public Accounts, a sum not exceeding \$20,000  
 137 per annum, or so much thereof as may be necessary, for conveying convicts to  
 138 the penitentiary, and from and to the penitentiary in cases of new trials, or  
 139 when used as witnesses in cases, to be paid by the Auditor in the manner  
 140 now provided by law: *Provided*, that when more than one person is con-  
 141 victed at the same term of court and is committed to the penitentiary, the  
 142 sheriff shall take all of said persons so convicted at one trip, and the Auditor  
 143 of Public Accounts shall refuse payment to any sheriff who shall fail to com-  
 144 ply with this provision.

145       *Twenty-first*—To the Auditor of Public Accounts, the sum of \$15,000 per  
 146 annum, or so much thereof as may be necessary, for conveying offenders to the  
 147 State Reformatory at Pontiac, and from and to the reformatory in cases of  
 148 new trial, or when used as witnesses in cases, to be paid by the Auditor in  
 149 the manner now provided by law, to be ascertained and paid in the same man-  
 150 ner as in cases of conveying prisoners to and from the penitentiary: *Pro-*



151 *vided*, that when more than one person is convicted at the same term of court,  
 152 and is committed to the reformatory, the sheriff shall take all of said persons  
 153 so convicted at one trip, and the Auditor of Public Accounts shall refuse pay-  
 154 ment to any sheriff who shall fail to comply with this provision.

155 *Twenty-second*—To the Auditor of Public Accounts, for the payment of  
 156 the expenses provided by law for the apprehension and delivery of fugitives  
 157 from justice, \$20,000 per annum, or so much thereof as may be necessary, to  
 158 be paid on the evidence required by law, certified to and approved by the  
 159 Governor, and the sum of \$2,000 for rewards for arrests of fugitives from  
 160 justice, to be paid on bills of particulars having the approval of the Governor  
 161 indorsed thereon.

162 *Twenty-third*—To the Auditor of Public Accounts, a sum not exceeding  
 163 \$500 per annum, or so much thereof as may be necessary, for costs and ex-  
 164 penses of State suits.

165 *Twenty-fourth*—To the State Board of Equalization, for paying expenses,  
 166 a sum not exceeding \$8,000 per annum, payable in the manner provided by  
 167 law.

168 *Twenty-fifth*—To the Auditor of Public Accounts, the sum of \$4,400 for  
 169 the purchase and installing in his office of steel file cases for the filing of  
 170 records and other documents.

171 Also, the sum of fifty-seven thousand dollars (\$57,000) per annum, or  
 172 so much as may be necessary, to pay the interest on school fund, distributed  
 173 annually in pursuance of law, said amount to be payable from the State  
 174 School Fund.

175 *Twenty-sixth*—To the Auditor of Public Accounts, for the payment of the  
 176 expenses of the transfer of any insane person or persons to the Illinois Asy-  
 177 lum for Insane Criminals, either from any other of the State institutions or  
 178 upon the order or mittimus of any of the several State courts, the sum of

179 one thousand dollars (\$1,000) per annum, or so much thereof as may be nec-  
 180 essary; and for the payment of expenses of the transfer of incurable insane  
 181 from either of the insane institutions to the Asylum for the Incurable Insane,  
 182 the sum of one thousand dollars (\$1,000) per annum, or so much thereof as  
 183 may be necessary.

184 *Twenty-seventh*—To the Auditor of Public Accounts, the sum of \$1,000,000  
 185 annually, out of the State School Fund, to pay the amount of the Auditor's  
 186 orders for the distribution of said fund to the several counties, and for the  
 187 payment of the salary and expenses of county superintendents of schools as  
 188 now provided by law. The Auditor shall issue his warrants to the State  
 189 Treasurer on the proper evidence that the amount distributed has been paid  
 190 to the county superintendents.

191 *Twenty-eighth*—To the Attorney General: one chief assistant, \$5,000 per  
 192 annum; two assistants at \$4,500 each per annum, \$9,000 per annum; one  
 193 assistant, \$3,500 per annum; one assistant at \$3,000 per annum; one office  
 194 brief-maker, \$2,400 per annum; one clerk, \$2,000 per annum; one stenogra-  
 195 pher and bookkeeper, \$1,500 per annum; three stenographers, \$1,200 each per  
 196 annum, \$3,600 per annum; one porter and filing clerk, \$1,000 per annum; one  
 197 janitor, \$720 per annum; one assistant inheritance tax attorney for Cook  
 198 county, \$2,400 per annum; two stenographers for inheritance tax attorney for  
 199 Cook county, \$1,200 each per annum, \$2,400 per annum; rent and mainte-  
 200 nance of inheritance tax office for Cook county, \$1,800 per annum; telegraph-  
 201 ing, telephoning, expressage, postage and incidental expenses, \$5,000 per an-  
 202 num; for defraying other expenses and the performance of such other duties  
 203 as are required by law, \$35,000 per annum. To pay taxes on Idaho lands  
 204 and expenses connected therewith, \$5,000. To employ special counsel ex-  
 205 perts, accountants and assistants to carry on the case of the State of Illinois  
 206 vs. Illinois Central Railroad Company, now pending in the circuit court of

207 LaSalle county; and for other special work, collection of evidence and ex-  
 208 penses in connection with the investigation by the committee of the General  
 209 Assembly, authorized to be appointed by joint resolution of Feb. 24, 1907,  
 210 for the purpose of investigating the rights of the State of Illinois in sub-  
 211 merged and made lands in connection with the navigable waters of the State  
 212 of Illinois, \$55,000. To defray the expenses in the case of the People vs. The  
 213 Illinois Steel Company, instituted by the State's attorney of Cook county, to  
 214 be drawn on bills of particulars, signed by the State's attorney of Cook  
 215 county and approved by the Attorney General, the sum of \$3,000.

216 *Twenty-ninth*—To the State Treasurer, for clerk hire, \$13,500 per annum;  
 217 for messenger and clerk, \$1,200 per annum; for stenographer and clerk, \$1,200  
 218 per annum; for nine watchmen, at \$900 each per annum, the sum of \$8,100  
 219 per annum; for the enforcement of the inheritance tax law and the collec-  
 220 tion of inheritance tax, the sum of \$12,500 per annum; for the employment  
 221 of a secretary, attorney and clerk, and expenses incurred in the collection of  
 222 interest on public funds, the sum of \$15,000 per annum; for expenses in-  
 223 curred in the collection and disbursement of interest and principal on regis-  
 224 tered bonds, the sum of \$4,000 per annum; for purchase of new furniture and  
 225 fixtures, \$2,000; for premium on treasurer's employe's bonds given by surety  
 226 company, \$1,000 per annum; for express charges, telegraphing and other in-  
 227 cidental expenses connected with his office, a sum not to exceed \$2,500 per  
 228 annum.

229 *Thirtieth*—To the State Treasurer, such sums as may be necessary to re-  
 230 fund the taxes on real estate sold or paid on error and for over-payment  
 231 of collector's accounts under laws governing such cases, to be paid out of the  
 232 proper funds.

233 *Thirty-first*—To the Superintendent of Public Instruction, the following  
 234 sums are hereby appropriated: For two assistants, the sum of \$2,400 each



235 per annum, \$4,800 per annum; for one clerk, \$1,200 per annum; for one ste-  
 236 nographer, \$1,200 per annum; for one stenographer, \$1,000 per annum; for  
 237 one janitor, messenger and clerk, \$900 per annum; for postage, expressage,  
 238 telegraphing, expense of State examinations, and all other necessary expenses  
 239 of his office, a sum not exceeding \$4,000 per annum.

240 *Thirty-second*—To the Adjutant General for clerk hire in his office the  
 241 following sums: For chief clerk, \$2,400 per annum; for record clerk, \$1,500  
 242 per annum; also the sum of \$1,000 per annum for postage, telegraphing, re-  
 243 pairs and other incidental expenses connected with memorial hall and office;  
 244 also for custodian of memorial hall, \$1,000 per annum; for stenographer,  
 245 \$1,200 per annum; for custodian of arsenal, \$1,200 per annum; for ordnance  
 246 sergeant at arsenal, \$720 per annum; for custodian at Camp Lincoln, \$720 per  
 247 annum; one messenger, \$900 per annum.

248 *Thirty-third*—To the Board of State Commissioners of Public Charities,  
 249 for salary of clerk, \$3,000 per annum; for office and incidental expenses of  
 250 the board, including clerical services in office and auditing institution accounts,  
 251 necessary expenses of the commissioners and employes while engaged in the  
 252 discharge of their duties of visitation and inspection within the United States,  
 253 as required by law, \$10,000 per annum, or so much thereof as may be neces-  
 254 sary; for the expenses of the boards of auxiliary visitors in making inspec-  
 255 tions, as provided by law, \$1,500 per annum; a sum not exceeding \$5 in  
 256 amount to be paid therefrom to each member of said boards upon his filing  
 257 a certificate of the expense incurred in making such inspection; for expenses  
 258 of the Illinois State Conference of Charities holding annual sessions, secur-  
 259 ing speakers, and incidental expenses, \$750 per annum; for expenses incurred  
 260 by the Department of Visitation of children placed in family home, the sum  
 261 of \$5,500 per annum; for filing cases, \$500.

262 *Thirty-fourth*—To the Supreme Court, for the purpose of buying addi-  
 263 tional books for the Supreme Court library, binding books in the library



264 which need to be rebound, the purchase of continuations and renewals of the  
 265 different reports, encyclopaedias, reporters, law magazines and current text-  
 266 books, \$5,000 per annum; for the expenses of the Supreme Court, stationery,  
 267 repairs, maintainance of building, printing, furnishing, expressage, telephon-  
 268 ing and telegraphing, \$1,000 per annum; for the salary of the librarian of  
 269 the Supreme Court, \$2,400 per annum; for court stenographic work, \$1,200  
 270 per annum; for salary of custodian, \$1,000 per annum; for the salary of the  
 271 head janitor, \$900 per annum; and for three janitors, \$800 each per annum,  
 272 \$2,400; messenger, \$800 per annum; matron, \$800 per annum; two eleva-  
 273 tor conductors, \$800 each per annum, \$1,600 per annum; two watchmen, \$800  
 274 each per annum, \$1,600 per annum; one engineer and electrician, \$1,200 per  
 275 annum.

276 *Thirty-fifth*—To the clerk of the Supreme Court, one janitor at \$800 per  
 277 annum.

278 *Thirty-sixth*—To the Appellate Court of the First District, for rent and  
 279 for no other purpose, \$10,500 per annum; for the purchase of law books and  
 280 reports, \$1,000 per annum; for repairing old law books, \$250 per annum;  
 281 for furniture and carpets, \$750; for incidental expenses, \$1,000 per annum  
 282 for each court; for stenographer's salary, \$1,200 per annum for each court;  
 283 said stenographers to be appointed by, and their duties to be prescribed by,  
 284 the clerk and judges of the respective courts; for librarian's salary (both  
 285 courts), \$800 per annum; for filing cases in library for the purpose of keep-  
 286 ing records of pending cases, \$225.

287 *Thirty-seventh*—To the Second District, Appellate Court, for stationery,  
 288 fuel, light, postage, expressage, furniture and other expenses deemed neces-  
 289 sary by the court, \$2,000 per annum; for law books, \$600 per annum; for  
 290 rebinding law books, \$300 per annum; for librarian, \$600 per annum; for one  
 291 stenographer, \$1,500 per annum. The sum of \$1,975 to pay deficiency in fuel,  
 292 light and book fund.

293       *Thirty-eighth*—To the Third District, Appellate Court, for stationery,  
 294 postage, expressage, furniture and other expenses deemed necessary by the  
 295 court, \$1,000 per annum, the sums to be paid on bills of particulars certified  
 296 to by the clerk of said court.

297       *Thirty-ninth*—To the Fourth District, Appellate Court, the sum of \$1,750  
 298 per annum for stationery, fuel, light, postage, expressage, repairs, furniture  
 299 and other expenses deemed necessary by the court; for law books, \$500 per  
 300 annum; for librarian, \$600 per annum; rebinding law books, \$250.

301       *Fortieth*—Also the sum of \$900 each per annum, \$2,700 per annum, to  
 302 the Second, Third and Fourth Districts of the Appellate Court for the pay  
 303 of janitors, to be appointed by the clerks of the respective courts, and to  
 304 perform such duties as shall be determined by the judges and clerks of the  
 305 respective court, to be paid on the order of at least two of the judges of each  
 306 district; for one stenographer for each of the Third and Fourth Districts of  
 307 the Appellate Court, \$1,200 each per annum, \$2,400 per annum; such stenog-  
 308 raphers to be appointed and their duties to be prescribed by the clerks of the  
 309 several Appellate Courts, respectively, such salaries to be paid monthly on  
 310 pay-rolls duly certified to by the respective clerks and approved by at least  
 311 two of the judges of said courts, respectively.

312       *Forty-first*—To the Railroad and Warehouse Commission, for the salary  
 313 of the secretary, \$1,500 per annum; for incidental expenses of their office, in-  
 314 cluding care, furnishings, stationery, postage, telegraphing, extra clerk hire  
 315 and all necessary expenditures, except those hereinafter provided for, a sum  
 316 not to exceed \$4,000 per annum.

317       For any expense incurred in suits or investigations commenced by author-  
 318 ity of the State, under any law in force, or hereafter enacted empowering or  
 319 intrusting the Board of Commissioners with the prosecution of such suits or  
 320 investigations, including the fees of experts employed and clerical help con-

321 nected therewith, and the expenses of the commissioners, secretary, consulting  
 322 engineer and safety appliance inspector, the sum of \$6,000 per annum, or such  
 323 part thereof as may be necessary for such purposes.

324 For printing, mailing, expressing and publication of schedules of reason-  
 325 able maximum rates of charges for the transportation of passengers, express  
 326 and freight and cars, made or revised for or all of the railroads of the State,  
 327 as provided by law, the sum of \$1,000 per annum, or so much thereof as may  
 328 be necessary for such purpose.

329 For the printing, mailing, expressing and publication of railroad maps  
 330 of Illinois, both steam and electric, to be bound with annual reports, and for  
 331 general distribution, the sum of \$2,000 per annum.

332 For salary of civil engineer, when so employed by the commission, in  
 333 their discretion, the sum of \$3,000 per annum; for salary of expert clerk,  
 334 \$3,000 per annum; for salary of assistant secretary, \$1,500 per annum; and  
 335 for salary of reporter and stenographer, \$1,200.

336 *Forty-second*—To the Trustees of the Illinois State Museum of Natural  
 337 History, for salary of curator, \$2,500 per annum; for salary of an assistant  
 338 curator, \$1,200 per annum; for purchasing books and book-cases, \$1,500; for  
 339 a janitor, \$800 per annum; for office expenses, \$600 per annum; for the em-  
 340 ployment of a taxidermist, \$600 per annum.

341 *Forty-third*—To the Commissioners of Labor Statistics, for the purpose  
 342 of procuring, tabulating and publishing statistics of labor, as contemplated by  
 343 law, for clerical services, including special agents, for the incidental expenses  
 344 of the board, and for defraying the per diem and traveling expenses of the  
 345 commissioners and secretary, the sum of \$11,000 per annum.

346 *Forty-fourth*—To the State Mining Board, for the examination of candi-  
 347 dates for certificates as mine inspectors, mine managers, mine examiners and  
 348 hoisting engineers, for per diem and expenses of the board in conducting such



349 examinations, including salary of stenographer at \$720 per annum, the sum of  
 350 \$6,000 per annum, or as much thereof as may be necessary.

351 *Forty-fifth*—To the State Mine Inspectors, for actual expenses incurred  
 352 in the discharge of their duties, as provided by law, the sum of \$6,000 per  
 353 annum, or as much thereof as may be necessary, of which sum not to exceed  
 354 \$600 per annum shall be paid to any one inspector.

355 *Forty-sixth*—To the Illinois Free Employment Office, located in Chicago  
 356 and Peoria, the following sums: To the South Side office, for salary of male  
 357 clerk, \$800 per annum; for salary of female clerk, \$720 per annum; for salary  
 358 of stenographer, \$900 per annum; for salary of janitor, \$600 per annum; for  
 359 rent and general expenses, \$2,300 per annum.

360 To the West Side office, for salary of clerk, \$800 per annum; for ste-  
 361 nographer, \$900 per annum; for janitor, \$600 per annum; for rent and gen-  
 362 eral expenses, \$1,800 per annum.

363 To the North Side office, for salary of clerk, \$800 per annum; for stenog-  
 364 rapher, \$900 per annum; for janitor, \$600 per annum; for rent and general  
 365 expenses, \$2,250 per annum.

366 To the Peoria office, for salary of stenographer, \$720 per annum; for  
 367 rent and general expenses, \$1,500 per annum.

368 To the Springfield office, for office furniture and equipment, \$320; for  
 369 rent and general expenses, \$1,000 per annum; for stenographer, \$720 per  
 370 annum.

371 *Forty-seventh*—To the Fish Commissioners of the State, the sum of  
 372 \$6,000 per annum, or so much thereof as may be necessary, to be used by them  
 373 in pursuance of law; the sum of \$6,000 per annum, or so much thereof as may  
 374 be necessary, for the services and expenses of such persons as may be em-  
 375 ployed by them, including wardens, while performing such service; no fees  
 376 being allowed in the enforcement of the laws for the protection of fish and



relating to fishways and for the personal traveling expenses of the commissioners; the sum of \$9,000 per annum, or so much thereof as may be necessary, for the maintenance and operation of the boats owned by the State in the collection of fish, and enforcement of fish laws. To maintain the hatchery now in operation at Havana, \$4,000 per annum.

*Forty-eighth*—The sum of \$2,000, or so much thereof as may be necessary, to pay the expenses of the committees of the Forty-seventh General Assembly.

*Forty-ninth*—To the State Board of Live Stock Commissioners, the following sums are hereby appropriated: For salary of secretary, \$1,800 per annum; for salary of assistant secretary, who shall be a stenographer and type-writer, \$1,500 per annum; for salary of messenger, \$720 per annum; for telegraphing, postage, expressage and other incidental office expenses, \$1,500 per annum; for per diem and expenses of State Veterinarian, \$3,500 per annum; for salary of chief inspector at Union Stock Yards, Chicago, \$1,800 per annum; for salary of assistant chief inspector, Union Stock Yards, Chicago, \$1,200 per annum; for salary of clerk, Union Stock Yards, Chicago, \$1,800 per annum; for salaries of six agents at Union Stock Yards, Chicago, including horse hire, \$9,600 per annum; for salary of chief inspector, National Stock Yards, \$1,500 per annum; for salaries of one agent at National Stock Yards, \$1,200 per annum, and one at Peoria, \$1,200 per annum; to pay the traveling and incidental expenses of the commissioners and secretary, \$4,000 per annum; for paying damages for animals diseased or exposed to contagion, slaughtered, for per diem and traveling expenses of Assistant State Veterinarians and special agents, for property necessarily destroyed or disinfection of premises, when such disinfection is practicable, under any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$25,000, or so much thereof as may be necessary.

406       *Fiftieth*—To the Insurance Superintendent, for actuary, \$4,000 per an-  
 407 num; for chief clerk, \$2,500 per annum; for an assistant chief clerk, \$2,100  
 408 per annum; for messenger, \$800 per annum; for janitor, \$800 per annum; for  
 409 other clerk hire, \$20,500 per annum; for postage, express charges, telegraph-  
 410 ing, and other incidental expenses, \$6,000 per annum; for expenses in attend-  
 411 ing the annual convention of insurance commissioners, \$125 per annum; for  
 412 expenses of examiners and investigations which cannot be collected from the  
 413 companies or associations examined, \$1,000 per annum, or so much thereof as  
 414 may be necessary; for all examinations and investigations, such amount for  
 415 expenses incurred and services of assistants employed as shall be collected  
 416 from the companies or associations examined; for expenses in the prosecution  
 417 of violations of the insurance laws, \$6,000 per annum; for legal services,  
 418 \$4,000 per annum; for printing and distributing the reports of the Farmers'  
 419 Mutual Insurance Companies, \$1,000 per annum, or so much thereof as may  
 420 be necessary; for the per diem compensation of examiners of fraternal socie-  
 421 ties, \$3,500 per annum.

422       *Fifty-first*—To the trustees of Lincoln Homestead, for the salary of the  
 423 custodian, the sum of \$1,000 per annum; for repairs and improvements, \$300  
 424 per annum; for heating and lighting, \$275 per annum; to be expended by said  
 425 trustees as provided in the Act of 1887, creating said trust.

426       *Fifty-second*—To the trustees of Lincoln Monument, for salary of custo-  
 427 dian, \$1,000 per annum; for fuel, care of grounds and other incidental ex-  
 428 penses, \$1,750 per annum.

429       *Fifty-third*—To the Illinois State Historical Library, for care, mainte-  
 430 nance, purchase of books and manuscripts, the sum of \$5,000 per annum; for  
 431 editing, printing and publishing historical documents, \$4,000 per annum; for  
 432 salary of assistant librarian, \$1,100 per annum; for salary of janitor and mes-  
 433 senger, \$900 per annum; for stenographer, \$720 per annum; for expenses of

Illinois State Historical Society, the holding of its annual meetings, the sum of \$2,000 per annum. All to be expended under the direction of the trustees of the Illinois State Historical Library.

*Fifty-fourth*—To the Supreme Court Reporter, for the expenses of printing in advance the opinions of the Supreme Court, and of distributing printed proof thereof to the several members of the court and also to the Attorney General, in such cases as the State may be interested in, together with the expenses of transmitting such proofs and the original opinions by mail and express, and to make printers' corrections in said proofs after final adoption, the sum of \$1,200 per annum, payable upon bills of particulars certified to by at least two judges of said court; for custodian and messenger, \$720 per annum, payable upon bills of particular duly certified by the reporter.

*Fifty-fifth*—To the State Factory Inspector, for rent and light, \$2,000 per annum; to defray traveling expenses of inspector and deputy inspectors, pursuant to law, \$10,000 per annum; for two stenographers and type-writers (to act as clerks when necessary), \$1,000 each, \$2,000 per annum; for telephone, telegraph, express charges, postage, printing and office supplies, \$3,000 per annum.

*Fifty-sixth*—To the State Board of Arbitration, for traveling expenses of the members and secretary and for postage, stationery, telegraphing, telephoning, expressage, additional clerk hire and all other necessary expenses, \$5,000 per annum, or so much thereof as may be necessary.

*Fifty-seventh*—To the Board of Pardons, for postage, telegraphing, expressage and other incidental expenses, \$1,000 per annum; for salary of stenographer, \$720 per annum; for salary of stenographer for services rendered in connection with parole matters, \$480 per annum.

*Fifty-eighth*—To the State Laboratory of Natural History, for the expenses of the natural history survey, the sum of \$8,000 per annum; for the



supply of natural history specimens to the public schools, \$500 per annum;  
for the publication of bulletins and reports, \$1,000 per annum.

*Fifty-ninth*—To the State Entomologist, for general expenses, \$20,000 per annum; to prevent spread of San Jose Scale and other dangerous insects and contagious diseases of fruits, the sum of \$5,000 per annum; to the Fort Massac trustees, the sum of \$600 per annum for the purpose of paying the salary of the custodian; for general improvements and other necessary expenses, \$2,500 per annum.

*Sixtieth*—To the State Board of Health, for salary of secretary, the sum of \$3,000 per annum; for salary of assistant secretary, \$1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purpose of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, diphtheria, scarlet fever, influenza and malarial fevers, the sum of \$7,500 per annum; for expenses of laboratory for the investigation of disease, \$4,000 per annum; for chief clerk, \$1,800 per annum; for one clerk, \$1,200 per annum; for two clerks, \$1,000 each per annum, \$2,000 per annum; for stenographer and type-writer, \$1,200 per annum; for registrar of vital statistics, \$1,200 per annum; for janitor and messenger, the sum of \$800 per annum.

Also the sum of \$10,000 per annum, to be used only with the consent and concurrence of the Governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease such as small-pox, yellow fever, Asiatic cholera and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State.



Also the sum of \$30,000 for the necessary expenses, including the salary of stenographer at \$1,200 per annum, incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses and hotels, in cities of one hundred thousand or more inhabitants.

Also the sum of \$23,000 per annum for the free distribution of antidiphtheric serum throughout the State as a preventive against the spread of diphtheria; \$8,000 per annum of this sum, or such part thereof as may be necessary to be expended in cities of 100,000 or more inhabitants; also the sum of \$2,000 per annum for the free treatment of poor persons, certified to have been bitten by rabid animals or otherwise put in danger of infection from rabies (Hydrophobia). This sum to be expended according to the provisions of "An Act to provide for the treatment of poor persons afflicted with the disease called rabies," approved May 12, 1905.

Also the sum of \$2,500.00, or as much thereof as may be necessary, to defray the expenses incurred in the treatment of poor persons duly certified to have been bitten by rabid animals or otherwise put in danger from rabies, in the Pasteur Institute in Chicago, between March 1, 1908, and June 30, 1909.

*Sixty-first*—To the State Food Commissioner, for expenses six State Analysts, \$3,000 per annum; for expenses of 16 inspectors, \$16,000 per annum; for expenses of laboratory office, \$1,500 per annum; for rent of offices and laboratory, \$3,600 per annum; for postage, \$1,000 per annum; for expenses of State Food Commission, \$3,600 per annum; for express, telegraph, telephone and office expense, \$1,300 per annum.

*Sixty-second*—To the State Highway Commission, for experimental work, preparation of road and bridge plans and estimates, collection of highway statistics, and all other expenses that may be necessary for the work of said commission, the sum of \$65,000 per annum.

*Sixty-third*—To the State Civil Service Commission, for salary of assistant secretary, who shall be a stenographer, \$1,200 per annum; for one stenog-

520 rapher, \$900 per annum; one stenographer, \$840 per annum; one messenger,  
 521 \$600 per annum; for expenses of commissioners, chief examiner and examiners,  
 522 postage, printing, advertising, telegraphing, telephoning and other necessary  
 523 incidental expenses and office expenses, the sum of \$6,500 per annum, or so  
 524 much thereof as may be necessary.

525 *Sixty-fourth*—To the Board of Prison Industries, for the payment of sal-  
 526 aries, postage, telegraphing, telephoning, traveling expenses and such other  
 527 expenses as may be necessary to carry on the business of the board, the sum of  
 528 \$16,000 per annum, or so much thereof as may be necessary: *Provided*, that no  
 529 part of the amount herein appropriated shall be used for office rent in any form  
 530 or manner whatever.

531 *Sixty-fifth*—To the State Geological Commission, for the support of and  
 532 extension of the Geological Survey of the State, the sum of \$25,000 per annum.

533 For making a survey of overflowed lands in Illinois the sum of \$7,500.  
 534 To remove dams near Carmi and New Haven and other obstructions in the  
 535 Little Wabash river, the sum of \$10,000.

536 To the University of Illinois for the investigation of clay working ma-  
 537 terial in co-operation with the State Geological Survey, and for instruction in  
 538 ceramics, the sum of \$12,500 per annum.

539 *Sixty-sixth*—To the University of Illinois, for the payment of interest on  
 540 the endowment funds of said University as provided by section 2 of the Act re-  
 541 lating to said University, approved June 11, 1897, for the years 1909 and 1910,  
 542 the sum of \$65,000, or so much thereof as may be necessary under the terms of  
 543 said Act.

544 *Sixty-seventh*—For expense of election contest, Stevenson vs. Deneen, the  
 545 following sums: Orville F. Berry, \$1,500.00, Ross C. Hall and Geo. A. Cook,  
 546 \$1,500.00; total, \$3,000.00.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
 2 to draw warrants on the State Treasurer for all sums herein appropriated for



24 All bills for traveling expenses shall be certified to by the party making the  
25 charge, as follows:

26 I CERTIFY that the above account is correct and just; that the detailed items  
27 charged within are taken and verified from a memorandum kept by  
28 me; that the amounts charged for subsistence were actually paid, and  
29 the expenses were occasioned by official business or unavoidable de-  
30 lays, requiring my stay at hotels for the time specified; that I per-  
31 formed the journey with all practicable dispatch, by the shortest route  
32 usually traveled, in the customary reasonable manner, and that I have  
33 not been furnished with transportation, or money in lieu thereof, for  
34 any part of the journey herein charged for.

35 .....  
36 .....

37 Pay rolls for commissioners, trustees and officers appointed by the Gover-  
38 nor shall be certified to by heads of departments and approved by the Governor.  
39 All other bills for these departments shall be paid only on itemized accounts ac-  
40 companied by receipted vouchers and approved by the Governor.

41 The Auditor is hereby authorized and it is made his duty, to refuse any  
42 warrant or warrants when any of the provisions of this Act are not strictly  
43 complied with.







AMENDMENT TO

46th Assem.                      HOUSE—No. 730                      May 1909

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Adopted May 19, 1909.

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AMENDMENT NO. 1.

Amend House Bill No. 730 by striking out of the printed bill in line 11, the figures “\$11,000.00” and insert in lieu thereof the figures “\$12,000.00.”

In the same line strike out the word “secretary” and insert the word “secretaries.”

In line 13 strike out the word “him” and insert in lieu thereof the word “them.”

In line 16 strike out the figures “\$13,000.00” and insert in lieu thereof the figures “\$4,000.00.”

Line 17 strike out the figures “\$1,000.00” and insert in lieu thereof the figures “\$1,200.00.”

Line 19 strike out the figures “\$5,000.00” and insert in lieu thereof the figures “\$6,000.00.”

Strike out lines 23, 24 and 25 and insert in lieu thereof: “*Fifth*—To the Governor, for the care of the executive mansion and grounds, and for heating, lighting, expenses of public receptions, wages and sustenance of employes, stable expense and other incidental expenses of the executive mansion, the sum of \$9,000.00 per annum. For repairs, improvements and refurnishing at the executive mansion and improvement of grounds, \$4,000.00.”

Line 209. Strike out “1907” and insert in lieu thereof “1909.”

Line 239. Strike out the figures “\$4,000” and insert in lieu thereof the figures “\$4,500.00.”

Line 268. Strike out the figures “\$1,000” and insert in lieu thereof the figures “\$10,000.”

Line 249. Strike out the figures “\$3,000” and insert in lieu thereof the figures “\$3,600.”

Line 464. Strike out the figures “\$20,000” and insert in lieu thereof the figures “\$15,000.”

Line 520. Strike out the figures “\$900” and insert in lieu thereof the figures “\$1,000.00.”

In same line strike out the figures “\$840.00” and insert in lieu thereof the figures “\$960.”

Line 471. Strike out the figures “\$3,000” and insert in lieu thereof the figures “\$3,600.”

Add after line 546 the following:

*Sixty-eight*—For repairs and improvements of the grounds around the monument erected by the State to the memory of the persons slain by the Indians on Indian creek, located in Shabbona Park, Freedom township, LaSalle county, the sum of \$1,000.00.”

Line 244. Strike out “\$1,000.00” and insert in lieu thereof the figures “\$1,200.”

Line 478. By striking out the figures “\$1,800” and inserting in lieu thereof the figures “\$2,400.”

Add at the end of line 463 the following: “For purchase of collections of Illinois specimens, \$1,000.”



AMENDMENTS TO

46th Assem.

HOUSE—No. 730

May 1909

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AMENDMENT. NO. 2.

Amend by striking out in line 115, the figures “\$2,600” and insert in lieu thereof the figures “\$2,700.”

By striking out lines 534 and 535.

By striking out in line 234 of the printed bill the figures “\$2,400” and insert in lieu thereof the figures “\$2,500.”

By striking out in line 235 the figures “4,800” and insert in lieu thereof the figures “5,000” and in the same line strike out the figures “1,200” and insert in lieu thereof the figures “1,400.”

Amend the printed bill by inserting after the word “annum” in line 513 “for expenses of attorney \$500 per annum; for expenses of food standard commission, \$1,500 per annum.”

Amend by inserting in line 434 of the printed bill, after the word “meetings” “salary of secretary, etc.”

Amend by striking out the figures “1,500” in line 45 and inserting in lieu thereof “1,800.”

AMENDMENT NO. 3.

Amend by inserting after line 25 of the printed bill the following:

“To the Governor, for the purpose of carrying out the provisions of an Act entitled: ‘An Act making an appropriation to the Governor, to be used in the in-

vestigation and examination of the books, records, reports and accounts of the Illinois Central Railroad Company," approved March 19, 1907, in force March 19, 1907, so much of the said sum of one hundred thousand (\$100,000) dollars appropriated in and by said Act, for the purposes in said Act specified, as shall not be expended on or before the thirtieth day of September, A. D. 1909, is hereby re-appropriated from the State treasury of Illinois, for the purposes specified in said Act, the same to be expended and paid out in accordance with the provisions of said Act."

#### AMENDMENT NO. 4.

Amend by inserting after line 239 of the printed bill the following:

To the Superintendent of Public Instruction to enable him to complete and publish the work of the Educational Commission, \$5,000.

#### AMENDMENT NO. 5.

Amend by inserting between lines 370 and 371 of the printed bill the following:

To the East St. Louis office, for salary of stenographer, \$720 per annum; for janitor, \$600 per annum; for rent and general expenses, \$1,600 per annum.

#### AMENDMENT NO. 6.

Amend by inserting after line 546 of the printed bill the following:

*Sixty-nine*—To the Commission of Occupational Diseases, for printing, stationery, postage, telegraphing, stenographers, railroad fare and expenses of members of commission, the sum of \$15,000, or so much thereof as may be necessary.

## AMENDMENT NO. 7.

Amend by inserting after paragraph sixty-nine the following:

*Seventy*—To the Internal Improvement Commission, for removing dams near Carmi and New Haven and other obstructions in the Little Wabash river, and for survey of rivers and study of water supply and all other necessary expenses for the work of the commission, the sum of \$30,000.





- 1 Introduced by Committee on Municipal Courts, May 18, 1909.
- 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to amend sections 1, 2, 8, 14, 16, 17, 28, 29, 30, 48, 48a, 49, 56, 57, 58, 61, 63 and 64 of "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, in force July 1, 1905; submitted to the voters of the city of Chicago at the election held November 7, 1905, and adopted as amended by an Act approved June 3, 1907, in force July 1, 1907; adopted at the election held September 17, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 1, 2, 8, 14, 16, 17, 28, 29, 30, 48, 48a, 49, 56, 57, 58, 61, 63 and 64 of "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, in force July 1, 1905; submitted to the voters of the city of Chicago at the election held November 7, 1905, and adopted as amended by an Act approved June 3, 1907; adopted at the election held September 17, 1907. be and the same are hereby amended to read as follows:

9       Sec. 1. That there shall be established in and for the city of Chicago a  
10 municipal court, which shall be a court of record and shall be styled "the  
11 municipal court of Chicago," hereinafter designated and referred to as the  
12 municipal court, and the jurisdiction of which shall be exercised in the manner  
13 hereinafter prescribed by branch courts, each of which shall exercise all the  
14 powers in this Act declared to be vested in the municipal court.

15       Sec. 2. That said municipal court shall have jurisdiction in the following  
16 cases:

17       *First*—Cases to be designated and hereinafter referred to as cases of the  
18 first class, which shall include (a) all actions on contracts, express or implied,  
19 when the amount claimed by the plaintiff, exclusive of costs, exceeds one  
20 thousand dollars (\$1,000); (b) all actions for the recovery of personal prop-  
21 erty when the value of property sought to be recovered, as claimed by the plain-  
22 tiff, exceeds one thousand dollars (\$1,000); (c) all actions for the recovery of  
23 damages for the conversion of personal property, and actions for the recovery  
24 of damages for injuries to personal property, when the amount of damages  
25 sought to be recovered, as claimed by the plaintiff, exclusive of costs, exceeds  
26 one thousand dollars (\$1,000); and (d) all actions of attachment, distress for  
27 rent, forcible detainer, replevin, trial of right of property, where the amount  
28 sought to be recovered, as claimed by the plaintiff, exclusive of costs, exceeds  
29 one thousand dollars (\$1,000).

30       *Second*—Cases to be designated and hereinafter referred to as cases of  
31 the second class, which shall include all suits of every kind and nature,  
32 whether civil or criminal, or whether at law or in equity, which may be trans-  
33 ferred to it, by a change of venue or otherwise, by the circuit court of Cook  
34 county, the superior court of Cook county or the criminal court of Cook  
35 county, for trial and disposition.

36       *Third*—Cases to be designated and hereinafter referred to as cases of  
 37 the third class, which shall include all criminal cases in which the punishment  
 38 is by fine or imprisonment otherwise than in the penitentiary, and all other  
 39 criminal cases which the laws in force from time to time may permit to be  
 40 prosecuted otherwise than on indictment by a grand jury.

41       *Fourth*—Cases to be designated and hereinafter referred to as cases of  
 42 the fourth class, which shall include (a) all civil actions, quasi criminal ac-  
 43 tions excepted, for the recovery of money only when the amount claimed by  
 44 the plaintiff, exclusive of costs, does not exceed one thousand dollars (\$1,000),  
 45 the amount in any action on a bond to be determined by the amount actu-  
 46 ally sought to be recovered and not by the penalty of the bond; (b) all ac-  
 47 tions for the recovery of personal property, when the value of the property  
 48 sought to be recovered does not exceed one thousand dollars (\$1,000); (c) all  
 49 actions of forcible detainer; (d) all proceedings for the trial of the right of  
 50 property; and (e) all actions and proceedings of which justices of the peace  
 51 are now given jurisdiction by law and which are not otherwise provided for  
 52 in this Act; in which class of actions and proceedings the municipal court  
 53 shall have jurisdiction where the amount sought to be recovered does not ex-  
 54 ceed one thousand dollars (\$1,000). In any action of the fourth class for the  
 55 recovery of money only, judgment may be rendered for over one thousand dol-  
 56 lars (\$1,000), where the excess over one thousand dollars (\$1,000) shall con-  
 57 sist of interest or damages or costs accrued after the commencement of such  
 58 action.

59       *Fifth*—Cases to be designated and hereinafter referred to as cases of the  
 60 fifth class, which shall include all quasi criminal actions, excepting bastardy  
 61 cases.

62       *Sixth*—Cases to be designated and hereinafter referred to as cases of  
 63 the sixth class, which shall include (a) all proceedings for the prevention of

64 the commission of crimes; (b) all proceedings for the arrest, examination, com-  
65 mitment and bail of persons charged with criminal offense; (c) all proceed-  
66 ings pertaining to searches and seizures of personal property by means of  
67 search warrants; and (d) all bastardy cases.

68       Sec. 8. That said municipal court shall consist of twenty-eight (28)  
69 judges, one of whom shall be chief justice, and the remaining twenty-seven  
70 (27) of whom shall be associate judges. Each branch court shall be presided  
71 over by a single judge of the municipal court. The chief justice, in addition to  
72 the exercise of all the other powers of a judge of said court, shall have the  
73 general superintendence of the business of said court. He shall preside at all  
74 meetings of the judges, and he shall assign the associate judges to duty in  
75 the branch courts, from time to time, as he may deem necessary for the  
76 prompt disposition of the business thereof; and it shall be the duty of each  
77 associate judge to attend and serve at any branch court to which he may be  
78 so assigned, but the chief justice shall only assign such number of judges to  
79 the trial and disposition of cases of the first class and cases of the second  
80 class mentioned in section two (2) of this Act, from time to time, as may not  
81 be needed for the prompt disposition of the other business of the court. The  
82 chief justice shall also superintend the preparation of the calendars of cases  
83 for trial in said court and shall make such classification and distribution of  
84 the same upon different calendars as he shall deem proper and expedient.  
85 Each associate judge shall, at the commencement of each month, make to the  
86 chief justice, under his official oath, a report in writing of the duties per-  
87 formed by him during the preceding month, which report shall specify the  
88 number of days' attendance in court of such judge during such month, and  
89 the branch courts upon which he has attended, and the number of hours per  
90 day of such attendance, for which the chief justice shall cause suitable blanks  
91 to be prepared and furnished to the associate judges. Each judge shall be



92 entitled to vacations, which shall not exceed thirty-six days in all in one year,  
93 and which shall be taken at such times as may be determined by the chief  
94 justice. The chief justice must give his attention faithfully to the discharge  
95 of the duties especially pertaining to his office, and to the performance of  
96 such additioaal judicial work as he may be able to perform. Each associate  
97 judge must perform his share of the labors and duties appertaining to the  
98 office. At least one associate judge must be in attendance in one branch court  
99 in each district three hours of each day, except Sunday, a public holiday or  
100 a day upon which the inhabitants of the city of Chicago generally refrain  
101 from business; and each associate judge, while in the court room or in cham-  
102 bers; and not actually engaged in the performance of other official duties,  
103 must act upon any application for his official action properly made to him.  
104 The chief justice may appoint such number of assistants, not exceeding  
105 four, as he may deem necessary. whose salaries shall be fixed by the major-  
106 ity of the judges: *Provided*, that the salaries of two of said assistants shall  
107 not exceed four thousand dollars (\$4,000) each per annum, and that the sal-  
108 aries of the remaining two of said assistants shall not exceed eighteen  
109 hundred dollars (\$1,800) each per annum. Said assistants shall have power  
110 to administer oaths and shall perform such duties as may be required of  
111 them by the chief justice, but shall not exercise any judicial powers. It  
112 shall be the duty of the chief justice and the associate judges to meet to-  
113 gether at least once in each month, excepting the month of August, in each  
114 year. at such hour and place as may be designated by the chief justice, and  
115 at such other times as may be required by the chief justice, for the consid-  
116 eration of such matters pertaining to the administration of justice in said  
117 court as may be brought before them. At such meetings they shall receive  
118 and investigate, or cause to be investigated, all complaints presented to them  
119 pertaining to the said court, and to the officers thereof, and shall take such

120 steps as they may deem necessary or proper with respect thereto, and  
121 they shall have power and it shall be their duty to adopt or cause to  
122 be adopted all such rules and regulations for the proper administration of  
123 justice in said court as to them may seem expedient. The salaries of the  
124 chief justice and associate judges shall be fixed by the city council: *Provided,*  
125 *however,* that the salary of the chief justice shall not be less than *ten thou-*  
126 *sand dollars* (\$10,000) per annum, and that the salary of an associate judge  
127 shall not be less than six thousand (\$6,000) dollars per annum, and that the  
128 salary of no judge shall exceed the salary and compensation fixed, from  
129 time to time, by law for a judge of the circuit court of Cook county, and  
130 that the salary of no judge shall be increased or diminished during the  
131 term for which he shall have been elected: *And, provided, further,* that  
132 until the fixing of the salaries by the city council, the salary of the chief  
133 justice shall be ten thousand dollars (\$10,000) per annum and the salary of  
134 an associate judge shall be six thousand dollars (\$6,000) per annum.  
135 Such salaries shall be payable in monthly installments out of the city  
136 treasury.

137       Sec. 14. That there shall be a clerk of said municipal court, whose  
138 term of office shall be six years, and until his successor shall be elected and  
139 qualified, and who shall be elected on the first Tuesday after the first  
140 Monday of November, A. D. 1906, and every six years thereafter. He shall  
141 perform, with respect to said municipal court, the duties usually performed  
142 by clerks of courts of record. He shall give his personal attention to the per-  
143 formance of the duties of his office. He shall maintain an office in each dis-  
144 trict, and each office shall be kept open for the transaction of business  
145 from half past eight o'clock a. m. to half past five o'clock p. m. of each  
146 working day during the year, excepting that on Saturdays, after the hour of  
147 one o'clock p. m., the clerk may close such of his offices as he may deem

proper at one o'clock p. m.: *Provided, however,* that for the purpose of receiving and filing papers and issuing writs and the performance of other work in criminal and quasi criminal cases, the chief justice may require the attendance, during additional hours of each day, of such number of deputy clerks as may be necessary for that purpose. The clerk shall maintain, in his principal office in the First district, a bureau of information, to which any attorney at law or any party to any suit in said court may apply, either in person, or by telephone, or otherwise, for any information respecting the proceedings in such suit, or the papers filed therein, which such attorney or party may deem necessary and by means of which bureau such attorney or party may obtain such information without charge being made therefor: *Provided, however,* that the clerk shall not be personally responsible for any mistake made by any deputy clerk with respect to such information. Until otherwise provided by the rules which may be adopted under the provisions of this Act, the powers, duties and liabilities, the oath of office and the bond and conditions thereof of such clerk shall be the same, as near as may be, as those prescribed by law for clerks of courts by the Act entitled, "An Act to revise the law in relation to clerks of courts," approved March 25, 1874, and in force July 1, 1874. He shall be commissioned by the Governor. When a vacancy occurs in the office of clerk and the unexpired term exceeds one year, the judges shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking the oath as required by law, of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of elec-

tion, as in other cases. When a vacancy occurs in the office of the clerk and the unexpired term is less than one year, the judges shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. The salary of the clerk shall be fixed by the city council: *Provided, however,* that such salary shall not be less than ten thousand dollars (\$10,000) per annum, and that it shall be neither increased nor diminished during the term for which the clerk shall have been elected. Such salary shall be payable in monthly installments out of the city treasury. All expenses incurred by the clerk for legal services rendered to him in matters relating to his official duties, and all expenses incident to proceedings in court brought by or against him in his official capacity shall be paid out of the city treasury.

Sec. 16. There shall be a bailiff of said municipal court, whose term of office shall be six (6) years, and until his successor shall be elected and qualified, and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform with respect to said municipal court the duties usually performed by sheriffs in respect to attendance upon and service and execution of the process, and obedience of the lawful orders and directions of a circuit court. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district, and each office shall be kept open for the transaction of business from half past eight o'clock a. m. to half past five o'clock p. m. of each working day during the year, excepting that on Saturdays the bailiff may close such of his offices as he may deem proper at one o'clock p. m. Until otherwise provided by the rules



204 which may be adopted under the provisions of this Act, the powers, duties  
205 and liabilities, the oath of office and the bonds and conditions thereof of  
206 such bailiff shall be the same, as near as may be, as those prescribed by law  
207 for sheriffs, with respect to attendance upon, and service and execution of  
208 the process, and obedience of the lawful orders and directions of a circuit  
209 court. He shall be commissioned by the Governor. When a vacancy  
210 occurs in the office of bailiff, and the unexpired term exceeds one year, the  
211 judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond  
212 and taking the oath as required by law of the bailiff, and thereupon such  
213 appointee shall perform all the duties required of a duly elected bailiff of  
214 said court, and shall receive a like salary, and shall hold such office until  
215 some person is elected and qualified according to law to fill such vacancy.  
216 Whenever any such vacancy occurs, the chief justice shall forthwith notify  
217 the Governor thereof, who, upon receiving such notice, shall, as soon there-  
218 after as may be practicable, issue a writ of election, as in other cases.  
219 When a vacancy occurs in the office of bailiff, and the unexpired term is  
220 less than one year, the judges shall appoint a bailiff *pro tempore*, who shall  
221 qualify by giving bond and taking the oath required by law of the bailiff,  
222 and thereupon such appointee shall perform all the duties required of a duly  
223 elected bailiff of said court, and shall receive a like salary, and shall hold  
224 such office until some person is elected and qualified according to law to fill  
225 such vacancy. It shall be unnecessary to serve any process of summons  
226 upon the bailiff in any suit against him commenced in the municipal court.  
227 In lieu of the service of such process, the clerk shall notify the bailiff of the  
228 commencement of such suit, and the bailiff shall thereupon forthwith enter  
229 his appearance therein, such entry of appearance to be made without any ad-  
230 vance payment of costs. The salary of the bailiff shall be fixed by the city  
231 council: *Provided, however*, that such salary shall not be less than ten thou-

232 sand dollars (\$10,000) per annum, and that it shall neither be increased  
233 nor diminished during the term for which the bailiff shall have been elected.  
234 Such salary shall be payable in monthly installments out of the city treas-  
235 ury. The bailiff, may employ an attorney at a salary of three thousand dol-  
236 lars (\$3,000) per annum, which salary, together with all expenses incurred  
237 by the bailiff in prosecuting or defending suits brought by or against him  
238 in his official capacity, shall be paid out of the city treasury. And, in the  
239 event of the bailiff going out of office by death, resignation, removal or other-  
240 wise, all suits commenced by him or against him, pending now in any court,  
241 and suits to be commenced by or against him in his official capacity, all such  
242 suits shall be prosecuted or defended, as the case may be, by such bailiff,  
243 or his legal representatives, at the expense of the city of Chicago, to be paid  
244 out of the city treasury, together with all costs and expenses incurred by or  
245 to be incurred in prosecuting or defending such suits.

246       Sec. 17. Said bailiff shall appoint such number of deputies as may be  
247 determined, from time to time, by a majority of the judges of the municipal  
238 court, by orders signed by them and spread upon the records of said court.  
249 The salaries of deputy bailiffs shall be fixed, from time to time, by orders  
250 signed by a majority of the judges of the municipal court and spread upon  
251 the records of the court, and shall be payable out of the city treasury in  
252 monthly installments: *Provided, however,* that the salary of the chief dep-  
253 uty bailiff shall be four thousand dollars (\$4,000) per annum, and that the  
254 salary of the assistant chief deputy bailiff shall be two thousand five hun-  
155 dred (\$2,500) per annum: *And, provided, further,* that the bailiff may ap-  
256 point three additional deputy bailiffs. The salary of one such deputy bailiff  
257 shall be two thousand five hundred dollars (\$2,500) per annum, and the re-  
258 maining two of said deputy bailiffs at a salary of two thousand dollars  
259 (\$2,000) each per annum; and that the salary of no other deputy bailiff

shall exceed one thousand eight hundred dollars (\$1,800) each per annum. All of said salaries herein mentioned shall be payable out of the city treasury in monthly installments. Such deputy bailiffs shall take the same oath or affirmation required of the bailiff of said municipal court, and shall give bonds, to be approved by the chief justice of said court, conditioned, as near as may be, like the bond required of the bailiff. The bailiff and deputy bailiffs of the municipal court shall be *ex officio* police officers of the city of Chicago. Any deputy bailiff shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. Any deputy bailiff may likewise be removed by the bailiff: *Provided, however,* that any deputy bailiff so removed may be restored to his position by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. The number of deputy bailiffs may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. Every police officer of the city of Chicago and of every board of park commissioners within said city shall be *ex officio* a deputy bailiff of the municipal court and shall perform, from time to time, such duties in respect to criminal and quasi criminal cases within the jurisdiction of said court as may be required of him by said court or any judge thereof. The bailiff may appoint a special deputy to serve any summons issued out of the municipal court, by endorsement thereon substantially as follows: "I hereby appoint.....my special deputy to serve the within writ," which shall be dated and signed by the bailiff. Such special deputy shall make return of the time and manner of service of such writ, under his oath, and for making a false return, he shall be guilty of perjury and be punished accordingly.



287       Sec. 28. That, until otherwise provided by the rules of the municipal  
288 court, cases of the first class mentioned in section two (2) of this Act shall be  
289 commenced and prosecuted in said municipal court in the same manner in  
290 which similar suits and proceedings are required to be commenced and prose-  
291 cuted in the circuit courts, except as is herein otherwise prescribed, and ex-  
292 cepting also in the following particulars:

293       *First*—The summons, when the first process is a summons, or the writ  
294 when the first process is a writ, shall be directed to the bailiff to execute and  
295 shall be returnable upon some Monday at least five days, and not more than  
296 twenty days after the date thereof.

297       *Second*—Service of such summons or writ shall be made by delivering a  
298 copy thereof to the defendant, if an individual, and informing him of the  
299 contents thereof, provided that in forcible detainer cases where no claim for  
300 rent is joined with the complaint for possession, service of summons may be  
301 made by delivering a copy thereof to the defendant or by leaving such copy  
302 at his usual place of abode, with some person of the family of the age of  
303 twelve years or upwards and informing such person of the contents thereof.  
304 An incorporated company may, in cases of the first class, be served with pro-  
305 cess by leaving a copy thereof with its president, if he can be found in the  
306 city of Chicago, then by leaving a copy of the process with any clerk, secretary,  
307 superintendent, general agent, cashier, director, engineer, conductor, station  
308 agent or any agent of said company found in the city of Chicago. The re-  
309 ceiver or receivers of any incorporated company, or a trustee or trustees  
310 operating, managing or controlling a railway may, in cases of the first class,  
311 be served by leaving a copy of such process with any clerk, secretary, super-  
312 intendent, general agent, engineer, conductor, station agent or any agent in  
313 the employ of such receiver, receivers, trustee or trustees, who may be found  
314 in the city of Chicago.



315       *Third*—Notice to the defendant by publication may be given under like  
 316 circumstances and in the same manner as is provided by law for similar cases  
 317 in the circuit courts, but the notice published, in lieu of stating the time of  
 318 the return of the summons or writ, shall state the date on or before which the  
 319 defendant is required to appear, which date shall be some Monday not less  
 320 than forty nor more than sixty days after the date of the first publication of  
 321 notice, as the plaintiff may require.

322       *Fourth*—No such suit shall be commenced in the municipal court unless  
 323 the defendant, if there be but one defendant, resides or is found within the  
 324 city of Chicago, or if the defendant be a corporation, unless its principal of-  
 325 fice is within said city; but if the defendant be a corporation not having a  
 326 principal office in the city of Chicago, such suit may be brought in the munici-  
 327 pal court wherever service of process may be had within the city upon any  
 328 officer, agent or employe of such corporation upon whom service of process  
 329 might be had if issued in a suit commenced in the circuit court.

330       *Fifth*—The provisions of paragraph fourth above shall not apply to at-  
 331 tachment suits, replevin suits or cases of distress for rent brought against  
 332 non-residents of this State, which suits may be brought in the municipal court  
 333 when any property of the defendant is levied upon or distrained, or any  
 334 garnishee resides or is found within the city of Chicago, or, if the suit be a  
 335 replevin suit, when the property sued for is replevien within the City of Chi-  
 336 cago.

337       *Sixth*—When there are several defendants, one of whom resides or is  
 338 found or is served with process in the city of Chicago, a summons or writ  
 339 may be issued to the sheriff of Cook county for any defendant residing or to  
 340 be found in said county, but outside of the city of Chicago, or to the sheriff  
 341 of any other county for any defendant residing or to be found in such county,  
 342 and service of any summons or writ so issued shall be made in the same man-

ner as herein required in the case of a summons or writ directed to the bailiff:  
*Provided, however,* that no judgment shall, in any case, be rendered against  
 any defendant served with process outside of the city of Chicago unless judgment  
 be also rendered against a defendant served within said city of Chicago.

*Seventh*—The plaintiff shall file his declaration within three days after  
 the commencement of the suit, in default whereof the suit shall be dismissed  
 unless the court by an order entered in said suit shall extend the time for  
 filing such declaration.

*Eighth*—The defendant shall, in case he shall have been served with process  
 or summons, or with the writ, three days or more prior to the return day  
 thereof, enter his appearance on or before such return day and shall demur  
 or plead to the declaration or the complaint on or before the Monday succeeding  
 such return day; but in case the summons or writ shall have been served  
 less than three days prior to the return day the defendant shall not be required  
 to enter his appearance until on or before the first Monday succeeding  
 such return day and shall not be required to plead to the declaration or complaint  
 until on or before the second Monday after such return day. In case  
 the time for filing the declaration or complaint shall be extended by the court,  
 the time for the defendant to demur or plead to the same shall be extended  
 until the second Monday succeeding the expiration of such extension of time.  
 The time within which the defendant is required to demur or plead may be  
 extended by the court in its discretion. In case the defendant shall fail to  
 enter his appearance or to demur or plead within the time thus required, the  
 plaintiff shall be entitled to judgment by default.

*Ninth*—The judges of said municipal court may, by rules adopted in the  
 manner prescribed by this Act, provide that the practice in cases of the first  
 class shall be the same as in this Act provided for cases of the fourth class.

371 But all cases provided for in this section shall be commenced, prosecuted and  
372 disposed of in the first district.

373       Sec. 29. That cases of the fourth class mentioned in section two (2) of  
374 this Act shall be brought and prosecuted in the district in which the defend-  
375 ant, or one of the defendants, if there is more than one defendant, resides or  
376 is found, or, if the defendant be corporation not having a principal office in  
377 the city of Chicago, suit may be brought in any district within which ser-  
378 vice or process might be had if issued in a suit commenced in the circuit  
379 court. Service may be had upon such corporation, receiver or receivers of  
380 any incorporated company, or the trustee or trustees operating, managing or  
381 controlling a railway, as the case may be, in the same manner as provided for  
382 in such cases in the first class. If, in any such case, there is more than one  
383 defendant and one defendant resides or is found within the district in which  
384 suit is brought or is properly served with process therein, the process of such  
385 municipal court may be served upon the remaining defendant or defendants  
386 at any place within said city of Chicago. But no suit against the city of Chi-  
387 cago or any other municipal corporation shall be brought in any other than  
388 the first district. If, in any case where there is more than one defendant,  
389 process is duly served upon one or more defendants and returned not served  
390 as to another defendant or other defendants, the suit shall proceed as in like  
391 cases in the circuit court. But the requirement that the defendant, if there be  
392 but one defendant, or one of the defendants, if there be more than one de-  
393 fendant, must reside or be found within the district in which such suit is  
394 brought shall not apply to attachment suits, replevin suits or cases of distress  
395 for rent, brought against non-residents of this State, which suits may be  
396 brought in any district when any property of the defendant is levied upon,  
397 replevin, (replevied), or distrained within such district, or any garnishee  
398 resides or is found in such district, nor shall it apply to forcible entry and

399 detainer suits in which the defendants do not reside or cannot be found with-  
 400 in the city of Chicago, which suits may be brought in any district in which  
 401 the property, the possession of which is sought to be recovered, is situated,  
 402 and notice may be given by publication in the manner prescribed by this Act.  
 403 When, upon the complaint of any defendant, it shall be made to appear to  
 404 the municipal court in any district, that the suit has been improperly brought  
 405 therein, the court shall not be required on that account to dismiss the suit, if  
 406 the municipal court in any district could properly have jurisdiction thereof,  
 407 but in such case the court may cause such suit to be transferred to the proper  
 408 district and the court in the district to which the same is transferred shall  
 409 proceed therewith as if the same had been originally commenced in said dis-  
 410 trict: *Provided, however,* that the court may, in its discretion, require the  
 411 plaintiff to pay the costs of the defendant paid by him prior to such transfer:  
 412 *And, provided, further,* that whenever a trial by jury is demanded in any case,  
 413 whether civil, criminal or quasi criminal, the court may in its discretion,  
 414 direct the trial of said cause to be had in the first district, and for what pur-  
 415 pose may cause said case to be transferred to the first district, to be there tried  
 416 and disposed of.

417     Sec. 30. That every suit at law in the municipal court other than a case  
 418 of the second class, or a case of the third class, or a case of the fifth class,  
 419 or a bastardy case, mentioned in section two of this Act, shall be tried by  
 420 the court without a jury unless the plaintiff, at the time he commences his  
 421 suit, or the defendant at the time he enters his appearance, shall file with the  
 422 clerk a demand in writing of a trial by jury, which demand, however, may  
 423 be withdrawn by the party filing the same at any time before the trial. Every  
 424 civil suit at law of the second class shall be tried by the court without a jury  
 425 unless the respective parties, or one of them, shall, at the time of entering



426 their or his appearance in the municipal court, file with the clerk a demand in  
 427 writing of a trial by jury.

428 Every person desirous of suffering a non-suit, shall be barred therefrom  
 429 unless he do so before the jury retire from the bar, or; if the case is tried  
 430 before the court without a jury, before the case is submitted for final de-  
 431 cision.

432 Sec. 48. That the practice and proceedings in the municipal court, other  
 433 than the mode of trial and the proceedings subsequent to trial, in cases of  
 434 attachment, garnishment, replevin, distress for rent, and forcible detainer, in-  
 435 cluded within the cases of the fourth class mentioned in section two (2) of  
 436 this Act, shall be the same, as near as may be, as that which is now pre-  
 437 scribed by law for similar cases in other courts of record with the follow-  
 438 ing exceptions:

439 *First*—There shall be no written pleadings, excepting such as are re-  
 440 quired by law in similar cases before justices of the peace, other than the  
 441 affidavits in attachment, garnishment, and replevin, copies of the distress war-  
 442 rant in cases of distress for rent, the complaint in forcible detainer, and such  
 443 other written pleadings or statements as may be required from time to time  
 444 by the rules or regulations of the municipal court, and the writ and summons  
 445 shall be made returnable, and shall be served in like manner, as the sum-  
 446 mons in other cases of such class in the municipal court, except in cases of  
 447 forcible entry and detainer, which summons shall be served in like manner  
 448 as is now provided by law in similar cases before justices of the peace, and  
 449 notice by publication may be given in cases where the amount claimed by the  
 450 plaintiff does not exceed two hundred dollars, in the manner now provided  
 451 by law in cases of attachments, forcible entry and detainer and replevin, be-  
 452 fore justices of the peace, and in all other cases in the manner prescribed by

453 this Act for attachment cases of the first class, and alias and pluries sum-  
454 monses may be issued under like circumstances as alias and pluries sum-  
455 monses in other cases of the fourth class.

456       *Second*—In attachment cases the defendant, at the time of his appearing  
457 in person, or of his entering his appearance in writing, if he shall desire to  
458 be permitted to present any set off or counter claim, shall file a statement  
459 thereof.

460       *Third*—In forcible detainer cases the plaintiff may unite with his claim  
461 for possession of the property any claim for rent or damage for withholding  
462 possession of the same.

463       *Fourth*—The mode of trial and all proceedings subsequent to the trial  
464 shall be the same, as near as may be, as in other cases of the fourth class,  
465 mentioned in section two of this Act.

466       Sec. 48a. Whenever an execution or writ of attachment issued out of  
467 any court of record is served by any sheriff, or coroner, or by the bailiff of  
468 the municipal court, upon personal property within the city of Chicago, pro-  
469 ceedings for the trial of the right of property therein may be instituted by  
470 any person other than the defendant in execution or attachment, or by such  
471 sheriff, coroner or bailiff, by the filing in the municipal court of a praecipe  
472 and statement of claim describing the property claimed, and setting forth the  
473 names of all parties having any interest in or claim to said property, includ-  
474 ing such sheriff, coroner or bailiff, and the plaintiff in the execution or writ  
475 of attachment. If such proceedings be instituted by such sheriff, coroner or  
476 bailiff, said statement of claim shall further state that he has reasonable  
477 doubt as to the ownership of the property levied upon, or as to their liability  
478 to be taken by virtue of any attachment, execution or special execution.  
479 The person instituting such proceedings shall, in all cases, be designated  
480 plaintiff, and all other parties mentioned in said statement of claim as hav-

481 ing any interest in or claim to said property shall be designated defendants.  
 482 Said statement of claim shall be verified by the affidavit of plaintiff, his  
 483 agent or attorney. Thereupon a summons shall be issued in accordance with  
 484 such praecipe, which summons shall describe the property claimed and shall  
 485 be made returnable in the same manner as in other cases of the fourth class.  
 486 Thereupon the proceedings in such case shall be the same as near as may be,  
 487 as in the cases of replevin of the fourth class, excepting that no bond shall  
 488 be required of the plaintiff, nor shall there be any delivery of property to  
 489 him in any case until after final judgment, unless such sheriff, coroner, or  
 490 bailiff be plaintiff and he already have said property by virtue of a levy there-  
 491 on; but, if upon the trial the plaintiff shall be found to be entitled to the prop-  
 492 erty or to any part thereof, judgment shall be entered in his favor for the  
 493 property, or such part thereof as he shall be found entitled to and if do  
 494 not already have said property as aforesaid, execution shall be awarded  
 495 therefor: *Provided, however,* when such proceedings are instituted by the  
 496 bailiff he shall not be required to pay any costs or damages, and the judg-  
 497 ment in such case shall be a complete indemnity to the bailiff in proceedings  
 498 to sell, levy or restore any such property, and in case said cause is removed  
 499 to a court of review, the bailiff shall retain the property unless the party  
 500 claiming the property or desiring the possession of the property shall give a  
 501 bond with sufficient surety to be approved by the bailiff, payable to the bailiff,  
 502 for the delivery of such property to the bailiff, if the judgment of said court  
 503 of review shall be against the party giving such bond.

504       Sec. 49. That the practice in the municipal court in cases of the fifth  
 505 class shall be the same, as near as may be, as is herein prescribed for civil  
 506 cases of the fourth class mentioned in section two (2) of this Act in said court.  
 507 excepting as follows:



508       *First*—If, in any case, the defendant, after being duly served with sum-  
509 mons, fails to appear personally at the time specified in the summons, or to enter  
510 his appearance at or before such time, the court may proceed as in case of  
511 default, or may issue a warrant for the arrest of the defendant.

512       *Second*—When the facts constituting the offense complained of also  
513 constitute in whole or in part, a violation of the criminal code, the court may  
514 issue a warrant in the first instance against the defendant, upon the filing  
515 by some person of a complaint under oath that the offense has been com-  
516 mitted, and that the complainant has just and reasonable grounds to believe  
517 that the defendant committed the offense, and such warrant may be served  
518 at any place within the city of Chicago, if the court, in its discretion, shall  
519 so direct.

520       *Third*—A warrant may be issued in the first instance upon the affidavit  
521 of any person that an ordinance has been violated, and that the person mak-  
522 ing the complaint has reasonable grounds to believe that the party charged  
523 is guilty thereof and will escape unless arrested, and stating the facts upon  
524 which such belief is based: *Provided*, the judge to whom application is made  
525 for such warrant shall be satisfied, after examining, or causing to be examined,  
526 under oath, the party making the affidavit, that such arrest should be made;  
527 and any person arrested upon any warrant herein provided for shall, with-  
528 out unnecessary delay, be taken before the court to which such warrant is  
529 returnable and tried for the alleged offense, and such warrant may be served  
530 at any place within the city of Chicago, if the court in its discretion, shall so  
531 direct.

532       *Fourth*—Any police officer of the city of Chicago, or of any board of  
533 park commissioners within said city, may arrest, on view, any person who  
534 may be seen by such police officer in the act of violating, within the city of  
535 Chicago, any ordinance of said city, or any ordinance of any municipal cor-



poration, situated, in whole or in part, within the limits of said city, whenever such violation is, by such ordinance, made punishable by fine or otherwise. Any person so arrested shall, without unnecessary delay, be taken by such officer to some convenient branch of the municipal court, and such police officer shall thereupon make and file a complaint in writing under oath against such defendant of the violation by such defendant of such ordinance and such defendant shall thereupon be dealt with according to law in the same manner as if he had been arrested in the first instance under a warrant lawfully issued.

Sec. 56. That the cost in civil cases in the municipal court shall be as follows:

*First*—In a case of the first class mentioned in section two (2) of this Act, the plaintiff, at the time of commencing his suit, shall pay to the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8), and, if he, at the same time files with the clerk a demand in writing for a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6).

*Second*—In case of the second class mentioned in section two (2) of this Act, the party requesting the transfer of the case at the time of the filing in the municipal court of the transcript of the record, of the proceedings of the court from which the case was transferred, shall pay to the clerk in full for all services to be rendered by said clerk for said party in said suit other than the making or furnishing of transcripts of the record, the sum of one dollar (\$1), and if the said party at the same time or the other party to said case, at the time of entering his appearance files with the clerk a demand in writing for a trial by jury, the party so filing such demand shall pay to the clerk the further sum of six dollars (\$6).

564       *Third*—In case of the first class mentioned in section two (2) of this Act,  
 565 the defendant, at the time of filing his appearance and before he shall be per-  
 566 mitted to make any defense, shall pay the clerk in full for all services to be  
 567 rendered by said clerk for the defendant in said suit, other than the making  
 568 or furnishing of transcripts of the record, the sum of five dollars (\$5), and,  
 569 if such defendant shall, at the time of entering his appearance, also file with  
 570 the clerk a demand in writing of a trial by jury, he shall pay to the clerk the  
 571 further sum of six dollars (\$6).

572       *Fourth*—In any case of the fourth class mentioned in section two (2) of  
 573 this Act, the plaintiff, at the time of commencing his suit, shall pay to the  
 574 clerk for all services to be rendered by said clerk, if such case be other than  
 575 an action of forcible detainer, the sum of two dollars (\$2) when the amount  
 576 claimed by him in money or property does not exceed two hundred dollars  
 577 (\$200), the sum of five dollars (\$5), when the amount claimed by him in money  
 578 or property exceeds two hundred dollars (\$200) but does not exceed one  
 579 thousand dollars (\$1,000), and in a case of forcible detainer, the sum of two  
 580 dollars (\$2) when the plaintiff does not unite with his claim for possession  
 581 of property any claim for rent or damages, but when he does unite with his  
 582 claim for possession of the property a claim for rent or damages he shall pay  
 583 to the clerk the further sum of two dollars (\$2), when the amount claimed for  
 584 rent or damages does not exceed two hundred dollars (\$200), and the fur-  
 585 ther sum of five dollars (\$5) when the amount claimed for rent or damages  
 586 exceeds two hundred dollars (\$200), and, in every case of the fourth class, if  
 587 the plaintiff, at the time he commences his suit, files with the clerk a demand  
 588 in writing for a trial by jury, he shall pay to the clerk the further sum of six  
 589 dollars (\$6).

590       *Fifth*—In any case of the fourth class mentioned in section two (2) of  
 591 this Act, the defendant, at the time of entering his appearance, shall pay to

the clerk in full for services to be rendered by said clerk, if the suit be other than an action of forcible detainer, the sum of two dollars (\$2) when the amount claimed by the plaintiff in money or property exceeds two hundred dollars (\$200) and in actions of forcible detainer in which the plaintiff unites with his claim for possession of the property a claim for rent or damages the sum of two dollars (\$2), when the amount claimed for rent or damages exceeds two hundred dollars (\$200), and in every case of the fourth class, if the defendant at the time he enters his appearance filed with the clerk a demand in writing for a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6).

*Sixth*—In any case of the first class and in any case of the second class mentioned in section two (2) of this Act, the party delivering to the bailiff, or to any sheriff, or to any coroner, any summons, writ of attachment, writ of replevin, subpoena, writ of execution or other process, shall, at the time of making such delivery, pay the bailiff, or sheriff, or coroner, as the case may be, the sum of one dollar and seventy-five cents (\$1.75) for each defendant or other person named in such process upon whom service thereof is to be made, and, in cases of writs of attachment, replevin or execution, he shall pay to the bailiff, or to the sheriff, or to the coroner, as the case may be, the further sum of one dollar and seventy-five cents (\$1.75), when any levy upon or seizure of property is to be made thereunder, and shall also pay to the bailiff, or sheriff, or coroner, as the case may be, the actual expense of seizing and caring for any property levied upon or seized thereunder; and the costs for other services of the bailiff, or of the sheriff, or of the coroner, as the case may be, in cases of the first class and cases of the second class, shall be the same as those required by law, from time to time, to be paid for similar services in cases in the circuit court of Cook county, but the bailiff or other officers to whom is delivered any alias summons, and where an alias



620 writ is delivered to him, he shall receive fifty cents (50c) for the return of  
 621 such alias summons, and where an alias writ is delivered to him, he shall re-  
 622 ceive one dollar (\$1) for the return thereof: *Provided, however,* that there  
 623 shall be no charge for mileage on any summons or other writ.

624 *Seventh*—In any case of the fourth class mentioned in section two (2)  
 625 of this Act, the party delivering to the bailiff any summons, writ of attach-  
 626 ment, writ of replevin, subpoena, writ of execution or other process, shall at  
 627 the time of making such delivery pay to the bailiff the sum of one dollar (\$1)  
 628 for each defendant or other person named in such process upon whom ser-  
 629 vice thereof is to be made, and in cases of writs of attachment, replevin or  
 630 execution, he shall pay to the bailiff; the further sum of one dollar (\$1), when  
 631 any levy upon or seizure of property is to be made thereunder, and shall also  
 632 pay the bailiff the actual expense of seizing and caring for any property  
 633 levied upon or seized thereunder; but the bailiff or other officers to whom is  
 634 delivered any alias summons shall receive fifty cents (50c) for the return of  
 635 such alias summons, and where an alias writ is delivered to him, he shall re-  
 636 ceive one dollar (\$1) for the return thereof.

637 *Eighth*—In any case the party procuring any certified copy of the record  
 638 or of any portion thereof in any case shall pay to the clerk the same fees  
 639 required by law from time to time to be paid to the clerk of the circuit court  
 640 of Cook county for similar services.

641 *Ninth*—In any case of the fourth class mentioned in section two (2) of  
 642 this Act, the bailiff, as commissions on moneys realized by executions, shall  
 643 collect from the defendant in the execution five (5) per cent upon the amount  
 644 realized, if it do not exceed one hundred dollars (\$100), but if the amount  
 645 realized exceeds one hundred dollars (\$100) the bailiff shall collect five (5)  
 646 per cent on the first one hundred dollars (\$100) and three per cent upon the  
 647 excess over one hundred dollars (\$100).



648       *Tenth*--All other costs not herein expressly provided for shall be the  
 649 same as the costs provided by law in cases in the circuit court of Cook county,  
 650 and all costs shall be taxed in favor of the successful party and against the  
 651 unsuccessful party in the same way, and to the same extent, as costs in simi-  
 652 lar cases are taxed in the circuit court of Cook county, unless the court shall  
 653 otherwise direct.

654       In any case included within the terms of this section the court may, in  
 655 its discretion, order that an advance payment of costs may be waived in favor  
 656 of any poor person whose financial circumstances, as made to appear to the  
 657 court, are such that such advance payment would be unduly burdensome or  
 658 oppressive, and no advance payment of costs shall in any case be required  
 659 to be made either by the State of Illinois, the county of Cook or any municipi-  
 660 pal corporation, or any board of public park commissioners situated in whole  
 661 or in part within the limits of the city of Chicago. Any expense incurred on  
 662 an order of court for keeping jurors together shall be paid out of the treas-  
 663 ury of the city of Chicago upon the certificate of the clerk of the municipal  
 664 court.

665       Sec. 57. That the costs in criminal cases and in quasi criminal cases  
 666 and proceedings in the municipal court instituted in the name or by the  
 667 authority of the people or in the name of any State or county officer in his  
 668 official capacity, and the costs in cases of the sixth class, to-wit: Proceedings  
 669 for the prevention of the commission of crimes, proceedings for the arrest,  
 670 examination, commitment and bail of persons charged with criminal offenses,  
 671 proceedings pertaining to searcher and seizures of personal property, by  
 672 means of search warrants, and in bastardy cases, shall be as follows:

673       *First*—The clerk's fees in full for all services rendered by him, other  
 674 than the making or furnishing of transcripts of records, shall be the sum of  
 675 three dollars (\$3) in all cases tried without a jury, and nine dollars (\$9) in

all cases tried by a jury, other than proceedings for the arrest, examination and commitment and bail of persons charged with criminal offenses, in which last mentioned proceedings the clerk's fee shall be eight dollars (\$8): *Provided, however*, that in all criminal and quasi criminal cases, punishable by a fine only, where a trial by jury is waived and where upon a finding of guilty, the court shall assess a fine of twenty-five dollars (\$25) or less, the clerk's fee in full for all services rendered by him in such cases shall be the sum of one dollar (\$1).

*Second*—The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services: *Provided*, that no charge shall be made for mileage in the service of any writ: *And, provided, further*, that in all such cases where the person or persons against whom a warrant shall issue, shall be arrested before the issuance of the warrant or shall voluntarily appear in court before or at the time set for the hearing thereof and defend the same, and a finding of guilty is made, no bailiff's fee or fees shall be taxed or collected as part of the costs.

*Third*—The clerk's fees for the making and certifying of the transcript of a record, or of any part thereof, shall be the same as those required by law, from time to time; to be paid to the clerk of the criminal court of Cook county for similar services.

*Fourth*—The fees and mileage of witnesses shall be the same as those allowed by law, from time to time, to witnesses in cases in the criminal court of Cook county.

No advance costs of any kind or character shall be required to be paid in any such criminal or quasi criminal case, but in case of final judgment being entered against the defendant, all the costs of the suit made, in the discretion of the court, be awarded against him and collected by execution or other-

704 wise, as the court may direct. In cases of the sixth class no costs shall be  
 705 required to be paid in advance. In proceedings for the prevention of the  
 706 commission of crimes, when the complaint is not sustained and the court is of  
 707 the opinion that the prosecution was commenced maliciously without prob-  
 708 able cause, judgment may be given against the complainant for the costs of  
 709 prosecution, but when the person complained of is required to give security  
 710 to keep the peace or for his good behavior the court may order that the costs  
 711 of the prosecution or any part thereof, shall be paid by such person, who shall  
 712 stand committed until the costs are paid or he is otherwise legally discharged.

713 In proceedings for the arrest, examination, commitment and bail of per-  
 714 sons charged with criminal offenses, where the court finds that an offense has  
 715 been committed and that there is probable ground to believe the defendant  
 716 guilty, the clerk shall certify the amount of the cost to the criminal court  
 717 of Cook county, where in case of the defendant's indictment and conviction,  
 718 the same shall be taxed against him as a part of the cost in the cause in  
 719 which he is so convicted. In proceedings pertaining to searches and seizures  
 720 of personal property by means of search warrant, the court may, if it ap-  
 721 pears that there was no probable cause for suing out the warrant, tax the costs  
 722 against the complainant and award execution against him therefor.

723 In bastardy cases, in case judgment is rendered against the defendant,  
 724 the costs shall be taxed against him as the part of the costs in such cause,  
 725 but in case he is acquitted of the charge the costs may be taxed against the  
 726 complaining witness: *Provided*, that in taxing costs in any criminal or quasi  
 727 criminal case no fee for the issuance of the warrant shall be included.

728 All moneys collected upon judgment of the municipal court in the criminal  
 729 and quasi criminal cases provided for in this section shall be paid to the  
 730 clerk, who shall at the end of every three months apply the same, or so much  
 731 thereof as may be necessary, to the payment of the uncollected costs, witness



732 fees and mileage excepted, in criminal cases, quasi criminal cases instituted in  
 733 the municipal court in the name of the people, or in the name of any State  
 734 or county officer in his official capacity, and also the uncollected costs, witness  
 735 fees excepted in the cases of the sixth class, and pay over the balance, if  
 736 any, to the officer entitled by law to receive the same.

737       Sec. 58. That the costs in quasi criminal cases in the municipal court  
 738 instituted in the name of the city of Chicago, or in the name of any officer  
 739 thereof, in his official capacity, or in the name of any municipal corporation,  
 740 or any board of public park commissioners, situated in whole or in part with-  
 741 in the city of Chicago, shall be as follows:

742       *First*—The clerk's fees in full for all services rendered by him shall be  
 743 the sum of two dollars (\$2), in all cases tried without a jury and nine dol-  
 744 lars (\$9) in all cases tried by jury: *Provided, however,* that the court may,  
 745 in its discretion, order that any part or the whole of the costs in any criminal  
 746 or quasi criminal case be remitted, in which case the costs so ordered to be  
 747 remitted shall be taxed against the defendant: *Provided, however,* that in  
 748 all criminal or quasi criminal cases, punishable by fine only where a trial by  
 749 jury is waived, and where, upon a finding of guilty the court shall assess a  
 750 fine of twenty-five dollars (\$25) or less, the clerk's fees in full for all services  
 751 rendered by him in such cases shall be the sum of one dollar (\$1).

752       *Second*—The bailiff's fees shall be the same as those which may now or  
 753 hereafter be fixed by law for the sheriffs in counties of the third class for  
 754 similar services, excepting that no charge shall be made for mileage in the  
 755 service of any writ.

756       *Third*—The clerk's fees for the making and certifying of the transcript  
 757 of a record or of any part thereof shall be the same as those required by law,  
 758 from time to time, to be paid to the clerk of the criminal court of Cook  
 759 county for similar services.



760 *Fourth*—The fees and mileage of witnesses shall be the same as those allowed  
 761 by law, from time to time, to witnesses in cases in the criminal court of Cook  
 762 county.

763 No advance costs of any kind or character shall be required to be paid  
 764 in any such case, but in case of final judgment being entered against the de-  
 765 fendant all the costs of the suit may, in the discretion of the court be  
 766 awarded against him and collected by execution or otherwise, as the court  
 767 may direct.

768 All moneys collected upon judgments of the municipal court in cases in-  
 769 cluded within this section shall be paid to the clerk, who shall, on or before  
 770 the tenth day of the following month, pay over to the city of Chicago all  
 771 moneys so collected upon judgments in its favor. All moneys collected upon  
 772 judgments of the municipal court in cases for the violation of any ordinance  
 773 other than an ordinance of the city of Chicago, shall be paid to the clerk,  
 774 who shall, on or before the tenth day of the following month pay over the  
 775 same as follows: All the costs and one-half of all fines and penalties to the  
 776 city of Chicago and one-half of the fines and penalties to the other municipal  
 777 corporation or board of public park commissioners, situated in whole or in  
 778 part within the limits of the city of Chicago, in whose favor such judgment  
 779 shall have been entered.

780 Sec. 61. That when the offices of the justices of the peace within the city  
 781 of Chicago shall be abolished, the docket of each justice of the peace whose  
 782 office is thus abolished, and all papers in his possession pertaining to pro-  
 783 ceedings had before him shall be forthwith delivered up to the clerk of the  
 784 municipal court, who shall preserve the same in his office kept in the first  
 785 district, and who shall have as full power and authority to certify to trans-  
 786 cripts of such proceedings as such justice of the peace would have had, had  
 787 the office not been abolished. Executions directed to the bailiff of the munici-

788 pal court or to the sheriff of Cook county may be issued by the clerk of said  
789 court upon any unsatisfied judgments rendered by such justice of the peace  
790 in all cases in which the same might have been issued had such office of jus-  
791 tice of the peace not been abolished, and every such execution shall be a  
792 lien upon all the personal property of the defendant, subject to execution in  
793 Cook county from the time the same is delivered to the plaintiff, or the sher-  
794 iff of Cook county, and the same may be levied upon any such property of  
795 the defendant in Cook county. Said municipal court shall allow an appeal  
796 to the circuit or superior court of Cook county from any judgment  
797 rendered by any justice of the peace within twenty (20) days prior to the  
798 first Monday of December, A. D. 1906, upon the giving by the appellant of  
799 an appeal bond with security as now required by law in cases of appeals  
800 from justices of the peace: *Provided*, such appeal is prayed at any time  
801 within twenty days after the first Monday of December, A. D. 1906. In all  
802 cases not determined or finally disposed of by such justice of the peace, at  
803 the time his office is abolished, such proceedings shall be had in said municip-  
804 al court as might be had were such suits originally brought in said court,  
805 but no trial of any such case shall be had in such court without such notice  
806 to the parties thereto as the court may deem necessary. All writs issued  
807 by justices of the peace within the city of Chicago and which shall not have  
808 been returned on the first Monday of December, A. D. 1906, shall be forth-  
809 with returned to the municipal court, and said municipal court shall have  
810 full power to make such provision for the execution or other disposition of  
811 all such writs as said court may deem proper for the protection of the  
812 rights of the respective parties to the suits in which such writs have been  
813 issued.

814       Sec. 63. The judgments, orders and decrees of the municipal court shall  
815 have the same force, be of the same effect, be liens upon real estate or any

816 interest therein in the city of Chicago, to the same extent and under the same  
817 circumstances, and be executed and enforced in the same manner as the  
818 judgments, orders and decrees of the circuit court of Cook county, except as  
819 is otherwise in this Act provided. No judgment, order or decree of the muni-  
820 cipal court, the amount of which—exclusive of costs—is, at the date of ren-  
821 dition thereof, less than two hundred dollars, shall be a lien upon real estate  
822 or any interest therein excepting from the time of the filing in the office of  
823 the recorder of deeds or registrar of titles of Cook county, or registrar of  
824 titles or clerk of a court of record, in any other county in this State, of a  
825 of a certified transcript or certificate, as provided for in this Act. Upon the  
826 filing in the office of the recorder of deeds of Cook county, or in the office of  
827 the clerk of any court of record in any other county in this State of a tran-  
828 script, certified under the hand and official seal of the clerk of the municipal  
829 court, of any judgment, order or decree of the municipal court, said judg-  
830 ment, order or decree shall thenceforth have the same force, be of the same  
831 effect, be a lien upon unregistered real estate or any interest therein  
832 throughout such county to the same extent and under the same circum-  
833 stances as a judgment, order or decree of the circuit court of such county.  
834 No judgment, order or decree of the municipal court shall be a lien upon or  
835 affect registered land or any estate or interest therein, until a certificate un-  
836 der the hand and official seal of the clerk of the municipal court, stating the  
837 date and purport of the judgment, order or decree, or a certified copy of  
838 such judgment, order or decree, is filed in the office of the registrar of titles  
839 of the county in which the land is situated, and a memorial of the same is  
840 entered upon the registrar of the last certificate of the title to be affected.  
841 The recorder of deeds of Cook county shall provide and keep in his office for  
842 said municipal court well bound books for entering therein an alphabetical  
843 docket of all judgments, orders and decrees rendered in said municipal



844 court, as is now required by law for docketing judgments, orders and decrees  
845 rendered in the circuit courts, and shall forthwith, after the filing of any  
846 transcript herein provided for, enter the same, together with the hour, day,  
847 month and year of the filing of such certified transcript, and the municipal  
848 court's general number of the case in which rendered. In any case an execu-  
849 tion issued on any judgment, order or decree of the municipal court, when  
850 against lands and tenements, goods and chattels within the city of Chicago,  
851 shall be directed to the bailiff; or, in case he is disqualified from acting, then  
852 to the sheriff of Cook county, and shall be a lien upon all the personal prop-  
853 erty of the person against whom the judgment is obtained, situated within  
854 the city of Chicago, from the time it is delivered to the bailiff, or to the  
855 sheriff, to the same extent as an execution issued out of the circuit court of  
856 Cook county, when delivered to the sheriff, and may be levied upon the  
857 the property—real or personal—of said person, situated at any place with-  
858 in the city of Chicago, to the same extent as an execution issued out of the  
859 circuit court of Cook county. But no execution upon a judgment, order or  
860 decree shall become a lien upon registered land, or any estate or interest  
861 therein, until said execution shall be levied on said real estate, and a certifi-  
862 cate of the fact of such levy shall be filed with the registrar of titles of  
863 the county in which such real estate is situated, and a memorial thereof shall  
864 be entered upon the register of the last certificate of the title to be  
865 affected. Executions against lands, tenements, goods and chattels outside of  
866 the city of Chicago shall be directed to the sheriff; or, in case, he is disquali-  
867 fied from acting, to the coroner of the county in which such lands, tene-  
868 ments, goods and chattels are situated. Any execution issued on any judg-  
869 ment of which a transcript has been filed in the office of the recorder of  
870 deeds of Cook county, or in the office of the clerk of any court of record of  
871 any other county in this State, shall, throughout the county in which said



transcript is filed as aforesaid, be of the same force, have the same effect and be executed in the same manner as if said execution had issued on a judgment of the circuit court of Cook county.

Sec. 64. That any judgment of the municipal court, for the payment of money, when the amount due thereon, exclusive of interest and costs, exceeds one hundred dollars (\$100.00), may also be proceeded under in the following manner:

*First*—At any time within seven years after the entry of such judgment and upon the return, wholly or partly unsatisfied, of an execution issued thereon, the judgment creditor shall be entitled to a citation requiring the judgment debtor, or any other person whom, or corporation which the judgment creditor may believe to have personal property of the debtor not exempt from execution or garnishment, or to be indebted to said judgment debtor in a sum exceeding the amount exempt by law from garnishment, to attend before the court and be examined under oath concerning such debtor's property, at a time and place specified in the citation, or after the issuance of an execution against the lands, tenements, goods and chattels of any judgment debtor and before the return thereof, upon proof by affidavit to the satisfaction of the court, that there is reasonable ground to believe that the judgment debtor has property in the city of Chicago, which he unjustly refuses to apply towards the satisfaction of the judgment, whether subject to execution or not, citation may issue as above provided.

*Second*—Where it appears from the examination or testimony taken pursuant to the provisions of this section that the judgment debtor has in his possession (possession) or under his control money or other property belonging to him and not exempt from execution, or that money, choses in action, or one or more articles of personal property capable of delivery, and

899 the right of possession of which in said judgment debtor is not substan-  
 900 tially disputed, and which are not exempt by law from execution or garnish-  
 901 ment, are in the possession or under the control of such other person or  
 902 corporation, the court may, in its discretion, make an order directing the  
 903 judgment debtor, or such other person or corporation, immediately to pay  
 904 the money, assign the chose in action or deliver the articles of personal  
 905 property to the bailiff of the municipal court, to be by him delivered or sold  
 906 at public sale and the proceeds thereof applied towards the satisfaction of  
 907 said execution; and if the amount of money, or the proceeds of such collec-  
 908 tion or sale shall exceed the amount due upon such execution and the  
 909 costs accrued thereon, the overplus shall be paid to the said judgment  
 910 debtor.

911 *Third*—Said citation may, in the discretion of the court, require the per-  
 912 son or corporation to attend and be examined before one of the masters in  
 913 chancery of the court, or a special commissioner to be appointed by the  
 914 court, designated in said citation, and after said examination said master or  
 915 special commissioner must certify to the court all evidence and other proceed-  
 916 ings had before him pursuant to the citation.

917 *Fourth*—Upon every examination under this section, each answer of the  
 918 party to the citation or witness examined must be under the oath of such  
 919 party; or, if such party be a corporation, under the oath of an officer  
 920 thereof, and the court may, in its discretion, specify the officer. Either party  
 921 may be examined as a witness in his own behalf and may produce and ex-  
 922 amine other witnesses as upon the trial of any action. The court, master  
 923 or special commissioner may postpone any hearing hereunder, from time to  
 924 time, as it may think proper, and may issue subpœnas requiring the pres-  
 925 ence of any witness desired by either party. The court shall have the  
 926 power to compel the attendance of any party to the citation, or witness duly

927 subpoenaed by attachment of the person of such party or witness, and the  
 928 refusal of a party to such citation, or of a witness to attend or answer proper  
 929 questions upon the hearing, shall be adjudged a contempt of court and shall  
 930 be punishable, in the discretion of the court, by fine or imprisonment in  
 931 the county jail or house of correction for a period not to exceed six  
 932 months.

933 *Fifth*—The court may tax as costs a fixed sum, consisting of witness  
 934 fees, stenographer's fees, master's or commissioner's fees and other dis-  
 935 bursements, and direct the payment thereof out of any money which  
 936 may come into the hands of the bailiff as a part of the costs of said pro-  
 937 ceedings.

938 *Sixth*—Where the judgment debtor has been examined and property  
 939 applicable to the payment of the judgment has not been discovered in the  
 940 course of the proceedings hereunder, the court may fix a sum, consisting of  
 941 witness fees and other disbursements made by said judgment debtor, includ-  
 942 ing stenographer's fees; and the amount so fixed shall, in the discretion of  
 943 the court, be paid to each judgment debtor and unless paid within the time  
 944 fixed by the court, an execution shall issue against the judgment creditor and  
 945 be served and enforced as other executions.

946 *Seventh*—Any order made hereunder may be served by delivering a cer-  
 947 tified or sworn copy thereof to the person against whom the same is made,  
 948 and such service may be made by the bailiff or by any party to the proceed-  
 949 ings, or by his attorney or agent.

950 *Eighth*—All other proceedings hereunder shall be regulated by such rules  
 951 as may be adopted by a majority of the judges of the municipal court or by  
 952 the Supreme Court, in accordance with the provisions of this Act.

Sec. 2. That this Act shall be submitted to a vote of the legal voters of  
 2 the city of Chicago at the first regular municipal, judicial, general or special

3 election, which shall occur in said city of Chicago after its passage. The bal-  
 4 lots to be used at said election, in voting upon this Act, shall be in substan-  
 5 tially the following form:

|   |  |  |
|---|--|--|
| For consenting to the Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905."     |  |  |
| Against consenting to the Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905." |  |  |

6 If a majority of the legal voters of said city voting on the question at  
 7 such election shall vote in favor of consenting to this Act, the same shall there-  
 8 upon take effect and become operative.



AMENDMENTS TO

46th Assem.

HOUSE—No. 731

May 1909

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To be offered by Mr. Dellenback.

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Amend the title of the bill by inserting after "49" the figures "50" and "50a" and by inserting after "61" the figures "62" and by adding to the end of said title the following: "And to add thereto two new sections, to be known as sections 50e and 59a.

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

That sections 1, 2, 8, 14, 16, 17, 28, 29, 30, 48, 48a, 49, 50, 50a, 56, 57, 58, 61, 62, 63 and 64 of "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905; as amended by an Act approved June 3, 1907, entitled 'An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905,' " be and the same are hereby amended, and that said Act be and it is hereby further amended by adding thereto two additional sections, to be known as sections 50e and 59a, which said sections as amended and said additional sections shall read as follows:

Page 2, section 2, in line 18. after the word "implied" insert the words "actions on judgments."

Page 2, section 2, in line 27, strike out the word "where" and insert in lieu thereof the word "when."

Page 2, section 2, in line 28, before the word "sought" insert the words "claimed or the value of the property."

Line 96, page 5, strike out the word "additioaal" and insert in lieu thereof the word "additional."

Page 6, section 8, line 127, strike out the words "six thousand (\$6,000)" and insert in lieu thereof "eight thousand (\$8,000)."

Page 6, in line 134, strike out the words "six thousand (\$6,000)" and insert in lieu thereof "eight thousand (\$8,000)."

Section 48a, line 467, insert after the word "served" the words "or levied."

Section 48a, in line 470, after the word "such" insert "defendant when he claims that the property is exempt from execution or attachment by virtue of the exemption laws of this State or by such."

Page 19, in line 485, strike out the words "other cases" and insert in lieu thereof "any case."

Page 19, in line 487, strike out the word "the" before the word "cases."

Page 19, in line 493, after the word "if" insert the word "he."

By adding the following, amend section 50 to read as follows:

Sec. 50. Upon the arrest of any person for any criminal or quasi criminal offense within the jurisdiction of the municipal court, any judge of the municipal court, or any judge of the circuit or superior court of Cook county, shall have power criminal offense or for any offense when the punishment is by fine or imprisonment otherwise than in the penitentiary, the chief of police or any captain or lieutenant or sergeant of police of the city of Chicago, or any deputy clerk designated for that purpose by an order signed by a majority of the judges of the municipal court, shall have power to let such person to bail. The bail bond in any criminal case in which the punishment may be otherwise than by fine, shall be conditioned for the personal appearance of the person arrested before some branch court at a time fixed

in said bond for such personal appearance, and from day to day thereafter until the final judgment or order of the court. In quasi criminal cases and in criminal cases in which the punishment may be by fine only, the bail bond shall be conditioned for the personal appearance of the person arrested before some branch court at a time fixed in said bond for such personal appearance and from day to day thereafter until the final judgment or order of the court, and in default of such personal appearance for the immediate payment of any judgment that may be rendered in said case. Any bond so taken shall be signed by one or more sureties to be approved by such judge or officer, who shall be authorized and required to administer oaths for the purpose of ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the clerk of the municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulations by such rules as may be adopted by a majority of the judges of the municipal court, as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested; or, if there be no judge then in attendance upon such court, before the municipal court in any other district at which there may be then a judge in attendance, to be dealt with by such court according to law. The court may by rule provide that any defendant arrested in any criminal case in which the punishment is by fine or imprisonment otherwise than in the penitentiary, or in any quasi criminal case, in lieu of giving bail for his personal appearance, may deposit with the clerk or with the police officer letting such person to bail, to be by such police officer paid over to the clerk within twenty-four hours after such deposit is made, such sums of money as the court may deem sufficient to secure his personal appearance at the time or times fixed therefor, such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear in person at the time or times so fixed; except that in quasi criminal cases and criminal cases in which the punishment may be by fine only, the

judgment and costs shall be deducted from such cash deposit, and the balance returned to the person depositing same. If upon an application made at any time within thirty days after any forfeiture provided for in this section such defendant shall prove to the satisfaction of the court that his failure to so appear was the result of serious illness, or other unavoidable accident, the court may, by order, set aside such forfeiture. Other proceedings for the forfeiture of recognizances and bail bonds in criminal and quasi criminal cases shall be the same, as near as may be, as provided for the forfeiture of recognizances and bail bonds in criminal cases in the criminal court of Cook county.

By adding the following, amend section 50a to read as follows:

Sec. 50a. The practice and proceedings in the municipal court in bastardy cases shall be as follows:

*First*—Whenever an unmarried woman, who shall be pregnant or delivered of a child, which by law would be deemed a bastard, shall file in the municipal court, if she be pregnant or so delivered in the city of Chicago, or the person accused be found in said city of Chicago, her complaint in writing, under oath or affirmation, accusing a person of being the father of such child, the court shall order a warrant to issue against the person so accused and cause him to be brought forthwith before the court.

*Second*—Such warrant shall be issued to the bailiff and to all sheriffs, coroners and constables in the State of Illinois and may be executed by any officer in any county.

*Third*—If, upon the appearance of the defendant in any bastardy case, the woman be not delivered and the probable date of the delivery is thirty days or more after the appearance of the defendant, as aforesaid, it shall be the duty of the court to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be



heard as in case of trial before the county court. If the court shall be of the opinion that sufficient cause appears, it shall be the duty of the court to bind the person so accused, in recognizance with sufficient security, to appear before said court at a time after the probable date of the birth of the child, to which said cause may be continued, to answer to said charge. On neglect or refusal to enter into a recognizance with security, the court shall cause such person to be committed to the jail of the county of Cook, there to be held to answer to the complaint. If, at the time to which said cause may be continued, said child be not born, or the mother be unable to attend court, said cause shall be further continued until she is able, and any recognizance entered into by the defendant to secure his appearance shall stand until the final disposition of the cause. After the birth of the child the court shall cause an issue to be made up whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury, unless the parties shall elect to waive a trial by jury, in which case the issue shall be tried by the court without a jury.

*Fourth*—Pending the trial of such issue and the final disposition of the matter, if the defendant shall not have given bond as aforesaid prior to such delivery, the court shall require the defendant to enter into a recognizance, in such an amount and with such sureties as the court may deem just, for the appearance of the defendant from day to day until the entry of the final judgment.

*Fifth*—All further proceedings in the case shall be the same, as near as may be, as are provided by law for similar cases in the criminal court of Cook county.

*Sixth*—The practice in cases of appeals from and writs of error to the municipal court in bastardy cases shall be the same, as near as may be, as is in this Act provided for cases of the first class, such appeals to be taken to and such writs of error to be sued out from the appellate court of the first district.

By adding the following:

Sec. 50e. Any judge of the municipal court to whom application is made for a warrant, capias or writ of attachment, in any case of criminal or quasi criminal

nature, when he is not presiding in court, shall have the power and authority to issue such warrant, capias or writ of attachment and sign the same with his own name as judge of the municipal court, and indorse thereon, the amount of bail in which defendant shall be held, which warrant, capias or writ of attachment, when so signed by the judge, shall have the same force and effect as if the same were issued and signed by the clerk of the court. Any complaint or affidavit received by such judge upon the issuance of such warrant, capias or writ of attachment shall be filed with the clerk as soon as may be after the issuing of such warrant, capias or writ of attachment.

Section 56, line 564, before the word "case" insert the word "any."

Line 619, strike out the letter "s" from the word "officers."

Lines 619 and 620, strike out the words "and where an alias writ is delivered to him he."

Line 633, strike out the letter "s" from the word "officers."

Line 642, strike the letter "s" from the word "executions."

Line 658, strike out the first letter "a" and insert the letter "o" in the word "appressive."

Page 25, section 57, line 702, strike out the word "made" and insert in lieu thereof the word "may."

Page 28, section 58, lines 743 and 744, strike out the words "two dollars (\$2.00) and insert in lieu thereof the words "three dollars (\$3.00)."

By adding the following:

Sec. 59a. Whenever any law provides that any document or instrument shall be acknowledged, filed or entered before a justice of the peace, in such case the clerk of the municipal court shall have powers of a justice of the peace in respect thereto.

By adding the following, amend section 62 to read as follows:

Sec. 62. It shall be the duty of the chief justice of the municipal court to superintend the keeping of the records of said court. He shall have power and

authority to prescribe abbreviated and amplified forms of entries of orders, judgments and decrees in the municipal court, which abbreviated forms shall stand for and represent the respective amplified forms thereof. The entry by any branch court of any such order, judgment or decree in such abbreviated form shall, in legal effect be the adoption by the court of the prescribed amplified form corresponding to such abbreviated form, and shall have the same force and effect as if such judgment, order or decree were written out in full in the records of said court. Said chief justice shall have power and authority to prescribe any rules and regulations concerning the adoption and use of any abbreviated and amplified forms of orders, judgments and decrees that are not inconsistent with this Act.

On page 36, between lines 5 and 6, insert the following:

|  |  |
|--|--|
| For consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905; as amended by an Act approved June 3, 1907, entitled 'An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905.' " |  |
|--|--|

|  |  |
|--|--|
| Against consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905; as amended by an Act approved June 3, 1907, entitled 'An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905.' " |  |
|--|--|





- 1 Introduced by Mr. Logan, May 18, 1909.
- 2 Read a first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act to legalize the organization of certain cities, towns and villages, under an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever the inhabitants of any contiguous territory of this State, possessing all the legal qualifications therefor, have in good faith attempted to organize such territory as a village under and in pursuance of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, but have failed to file certified copy of the result of the election for such organization, the canvass of the votes, and the result of the election for first officials, for record in manner as prescribed by law, and such village has in good faith for

10 a period of at least five years thereafter continuously and uninterruptedly  
11 exercised the powers of a municipal corporation, purporting to act under and  
12 in pursuance of the Act of the Legislature aforesaid, such village shall and the  
13 same is hereby declared to have been legally and validly organized under and  
14 in pursuance of said Act; and such village shall be and it is hereby authorized  
15 to organize as a city under and in pursuance of said Act, when otherwise pos-  
16 sessed the qualifications therefor prescribed by the said Act aforesaid, and  
17 when so organized, such city shall be declared to be organized as a legal and  
18 valid city, under and in pursuance of the said Act of the Legislature: *Provided*,  
19 that the certificate of organization as a city, prescribed by said Act, be now  
20 or within six months after this Act becomes effective, filed with the recorder  
21 of deeds of said county where said city is situated, and also with Secretary  
22 of State, in manner as prescribed by said Act: *And, provided, further*, there  
23 be filed with the Secretary of State, the affidavit of the mayor or city clerk or  
24 the president or clerk of the board of trustees, as the case may be, of such city  
25 or village, showing that such city or village has for a period of at least five  
26 years next preceding, continuously and uninterruptedly exercised the powers  
27 of a municipal corporation, purporting to act under and in pursuance of the  
28 aforesaid Act of the Legislature, and all elections of officers and organization  
29 of any cities and villages in this State under and by virtue of any election held  
30 under and in pursuance of the aforesaid Act of the Legislature, if otherwise  
31 according to law, are hereby legalized and made effective, and all acts of said  
32 cities and villages are hereby legalized and made effective and all acts of any  
33 such cities and villages, if otherwise legal, also hereby made legal and binding,  
34 and upon the filing and recording as aforesaid, and the filing of the affidavit  
35 as aforesaid, the Secretary of State shall charter said city or village by his  
36 certificate duly authenticated under his hand and the great seal of the  
37 State.

Sec. 2. WHEREAS, the records of several of the cities and villages in this  
2 State are deficient in the particulars set forth in section 1 of this Act, and such  
3 cities and villages are without charter and warrant of law to do business, there-  
4 fore, an emergency exists, and this Act shall be in force from and after its pass-  
5 age.





**AMENDMENTS TO**

**46th Assem.**

**HOUSE—No. 732**

**May 1909**

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**AMENDMENT NO. 1.**

Amend House Bill No. 732 by inserting in line 12 of the printed bill, after the word “aforesaid,” the following: “and where said village has in all other respects, than as heretofore herein specified, complied with the requirements of the statutes of the State of Illinois, or other laws in force in said State, relative to the organization of cities and villages.”

**AMENDMENT NO. 2.**

Amend House Bill No. 732 by inserting in line 14, of the printed bill, after the word “and” the word “any.”



- 1 Introduced by Mr. Lederer, May 19, 1909.
- 2 Read a first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act relating to pimping; defining and prohibiting the same; and providing for the punishment thereof and for the competency of certain evidence at the trial therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any male person who, knowing a female per-  
3 son to be a prostitute, shall live or derive support or maintenance, in whole  
4 or in part, from the earnings or proceeds of the prostitution of such prosti-  
5 tute, or from moneys loaned or advanced to or charged against such prostitute  
6 by any keeper or manager or inmate of a house or other place where prosti-  
7 tution is practiced or allowed, or who shall tout or receive compensation for  
8 touting for such prostitute, shall be guilty of pimping, and upon a first con-  
9 viction for an offense under this Act shall be punished by imprisonment in  
10 the county jail or house of correction for a period of not less than six

11 months nor more than one year, and by a fine of not less than three hundred  
12 dollars and not to exceed one thousand dollars; and upon conviction for any  
13 subsequent offense under this Act shall be punished by imprisonment in the  
14 penitentiary for a period of not less than one year nor more than three years.

Sec. 2. Any such female person referred to in the foregoing section shall  
2 be a competent witness in any prosecution under this Act, to testify for or  
3 against the accused as to any transaction or as to any conversation with the  
4 accused, or by him with another person or persons in her presence, notwith-  
5 standing her having married the accused before or after the violation of any  
6 of the provisions of this Act, whether called as a witness during the exist-  
7 ence of the marriage or after its dissolution.

Sec. 3. Nothing in this Act contained shall prevent any male person who  
2 shall be unable to earn a livelihood, in consequence of any bodily infirmity,  
3 idiocy, lunacy or other unavoidable cause, from receiving support from a  
4 female relative when such male person shall, under the provisions of an Act  
5 of the General Assembly of this State entitled, "An Act to revise the law in  
6 relation to paupers," approved March 23, 1874, in force July 1, 1874, be en-  
7 titled to support by such female relative.



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- 1 Introduced by Committee on Judicial Department and Practice, May 19, 1909.
  - 2 Read a first time, ordered printed and to a second reading without reference.

## A BILL

For an Act to provide for an additional circuit judge in the Third judicial circuit or district of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the circuit judges in the third judicial circuit or district be and are hereby increased from the present number of three  
3 judges to four circuit judges; the said additional circuit judge to be elected  
4 at the same time and in the same manner as now provided by the Constitu-  
5 tion and the statutes of this State.

Sec. 2. On or before the fourth Monday in May, A. D. 1909, the candi-  
2 date or candidates for said additional circuit court judgeship shall file a pe-  
3 tition with the required number of signatures of the voters in said third  
4 judicial circuit, as provided by law, with the Secretary of State, and on the  
5 first Monday in June, A. D. 1909, the election of said additional circuit court

6 judge shall be held, whose term of office shall commence and expire the same  
7 as other circuit court judges; and there shall be elected every six years there-  
8 after at the same time and in the same manner as the other judges of the  
9 circuit court, four (4) circuit court judges in the third judicial circuit, suc-  
10 cessors in office of the judges by this Act authorized to be elected.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby  
2 repealed.

Sec. 4. WHEREAS, An emergency exists, therefore this Act shall go into  
2 effect immediately upon its passage and approval by the Governor.

1 Introduced by Mr. Stearns, May 20, 1909.

2 Read by title, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act to authorize and empower certain cities, villages and organized towns to reclaim certain submerged lands under the public waters of the State of Illinois, and settle the boundary line and establish and maintain parks thereon.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Asesmbly:* That every city, village and organized town existing  
3 under the laws of this State bordering upon any public waters of this State,  
4 which has heretofore acquired lands upon the shore of such public waters and  
5 conveyed a portion therefor to the government of the United States opposite  
6 and adjacent to which said government of the United States has constructed a  
7 harbor and erected piers extending into such public waters, shall have power to  
8 subject to the limitations in this Act contained to reclaim from time to time some  
9 of the submerged lands adjacent to such harbor and piers, and extending there-  
10 from, and for that purpose may jointly with the said government or other shore

11 owners or park boards or otherwise, construct or cause to be constructed and  
12 maintained piers, breakwaters or sea-walls, enclosing such portions of said sub-  
13 merged lands as such city, village or town may by ordinance determine to re-  
14 claim from time to time: *Provided*, that the said submerged lands so to be re-  
15 claimed shall not extend toward the center of such public waters a greater dis-  
16 tance from the shore thereof than such piers so constructed by said govern-  
17 ment extend, nor a greater distance along such shore either way from such har-  
18 bor so constructed by the said government than the distance from the outermost  
19 portion of the breakwater; if any, at or near the mouth of such harbor, is from  
20 the land so conveyed to said government, and if there be no such breakwater,  
21 then the distance from such land to the outermost end of the largest of the  
22 piers extending from such harbor.

Sec. 2. Upon the completion of any such piers, breakwater, or sea-wall  
2 under the power and authority hereby granted the title to the submerged lands  
3 thereby enclosed from time to time shall be vested in such city, village or town,  
4 respectively, for public purposes, and such city, village or town may then re-  
5 claim the same by filling and construct, maintain and control public parks there-  
6 on and such city, village or town may transfer the rights, powers and privi-  
7 leges hereby granted to any park board now existing or which may be here-  
8 after organized, and may release and convey to such park board upon such  
9 terms as may be agreed upon by ordinance, any and all title to or interest in  
10 any such submerged lands or any portion thereof, it may have acquired under  
11 the provisions of this Act from time to time.

Sec. 3. Such cities, villages and towns are hereby authorized to agree with  
2 the riparian and other shore owners upon a boundary line, dividing the sub-  
3 merged lands to be acquired in pursuance of the provisions of this Act and  
4 the adjacent lands owned by such riparian owners, and also to agree with such



5 owners as to the portion of such submerged lands to be taken in lieu of and  
6 as compensation for the release of said riparian rights to such city, village or  
7 town, respectively.

8 In case any such riparian owners interested are unknown, or are minors,  
9 or are under any other disability, or in case such city, village or town can not  
10 agree with any such owner or person interested, proceedings may be instituted  
11 and prosecuted by such city, village or town to condemn their riparian rights,  
12 and the lands owned by them under the provisions of the eminent domain  
13 laws of the State entitled "An Act for the right of the exercise of the right of  
14 eminent domain," approved April 10, 1872, in force July 1, 1872, and all  
15 amendments thereto.

Sec. 4. In the exercise of the rights, powers and privileges hereby granted  
2 and conferred upon the class of cities, villages and organized towns, described  
3 in the first section of this Act, such cities, villages and towns may, so far as  
4 applicable, exercise the same power and authority as that granted to and con-  
5 ferred upon boards of park commissioners, in and by an Act of the General  
6 Assembly of said State, approved May 2, 1907, entitled "An Act authorizing  
7 park commissioners to acquire and improve submerged and shore lands for park  
8 purposes, providing for the payment therefor, and granting unto such com-  
9 missioners certain rights and powers and to riparian owners certain rights and  
10 title." Such cities, villages and towns shall exercise such power and authority  
11 in the same manner as said park commissioners and with like force and  
12 effect.

Sec. 5. In reclaiming and improving submerged lands as are authorized by  
2 this Act to be reclaimed and improved by such cities, villages and towns, the  
3 cost of so doing may be provided for by special assessment upon the property  
4 benefitted, and upon such cities, villages and towns for general benefits to the

5 public as and in the manner provided by an Act of the General Assembly of  
6 the State of Illinois, approved June 14, 1897, entitled "An Act concerning  
7 local improvements," and all amendments thereto, and all such cities, villages  
8 and towns are hereby empowered and authorized to provide for the construc-  
9 tion of piers, break-waters and sea-walls herein authorized to be constructed,  
10 in the same manner and with like force and effect as is provided by said Act  
11 providing for local improvements, as amended by an Act approved May 25,  
12 1907, and may proceed to provide for the payment of installments of special  
13 assessments assessed against such city, village or town in the same manner as  
14 is provided in said Act so amended in case of the construction of waterworks  
15 and bridges, and the fund arising from such assessment shall be known as the  
16 "Lake Shore Park Fund" and the creation of such fund shall be in addition to  
17 the respective funds authorized to be created by said amendment.

Sec. 6. The powers granted by this Act to any city, village or town shall  
2 not be construed to have been exhausted by any one use of the same, but such  
3 cities, villages and towns may, from time to time, proceed with further en-  
4 largements or extensions: *Provided, however,* that the rights and privileges  
5 hereby conferred upon such cities, villages and towns shall be subject to the  
6 rights of commerce and navigation.

1 Introduced by Mr. Carter. May 20, 1909.

2 Read by title, ordered printed and referred to Committee on Education.

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## A BILL

For an Act to create a State Board of Education and to define its powers  
and duties.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a State Board of Education, consisting  
3 of eleven members, is hereby authorized to be constituted, as hereinafter de-  
4 scribed.

Sec. 2. Such board shall consist of the Superintendent of Public Instruc-  
2 tion, who shall be *ex officio* chairman thereof, and representatives of each of  
3 the following school interests, to be selected by the Governor of the State, by  
4 and with the approval of the Senate: The University of Illinois, the State  
5 normal schools, the non-State colleges and universities, the city superin-  
6 tendey, the county superintendey, the public high schools, the non-State high

7 schools, the State elementary schools, the non-State elementary schools, and  
 8 two eminent citizens of the State not directly engaged in educational work:  
 9 *Provided, however,* that not more than seven members of said board shall  
 10 be of the same political party.

Sec. 3. On or before the second Monday of January next after their  
 2 appointment the appointive members shall cast lots for their respective terms  
 3 of office for two, four, six and eight years; and biennially thereafter two  
 4 members shall be selected by the appointive board as successors to the mem-  
 5 bers whose terms of office then expire, which successors shall serve for a term  
 6 of eight years. In case of a vacancy the appointive board may select a mem-  
 7 ber to serve for the unexpired term.

Sec. 4. Such board shall have the power and it shall be its duty:

- 2 1. To make general rules for the supervision and inspection of the  
 3 public schools of the State required by law.
- 4 2. To provide suggestive courses of study for rural, elementary and high  
 5 schools.
- 6 3. To prepare and distribute among school and municipal officers sug-  
 7 gestive plans and specifications for the construction and equipment of school  
 8 buildings.
- 9 4. To fix the time of examinations of applicants for State and county  
 10 teachers' certificates, to prepare all questions for such examinations, to grade  
 11 all examination papers, and to fix the standard for passing; to prescribe rules  
 12 for the recognition of certificates from other states, and to prescribe all rules  
 13 and regulations necessary to carry into effect the provisions of the law in re-  
 14 gard to the certification of teachers.
- 15 5. To propose and recommend to school officers plans for organizing and  
 16 conducting teachers' institutes.



17       6. In co-operation with the State Board of Health, to prescribe rules and  
18 regulations for the sanitary inspection of school buildings, and for promoting  
19 the physical welfare of pupils and teachers in the public schools.

Sec. 5. The Superintendent of Public Instruction, with the advice and con-  
2 sent of the State Board of Education, shall make such appointments as may  
3 be necessary to render effectual the rules and regulations of the board.

Sec. 6. The members of the State Board of Education shall receive no  
2 compensation for their services. The incidental expenses of the board and the  
3 necessary traveling and other incidental expenses of its members, incurred in  
4 the performance of their official duties, shall be paid from the State treasury  
5 from any funds not otherwise appropriated upon the presentation of an item-  
6 ized and verified statement of such expenses, approved by the Governor.



- 1 Introduced by Mr. Tippit, May 21, 1909.
- 2 Read first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act to amend section 1 of an Act entitled "An Act to regulate the labor of the convicts of the penitentiary of the State," approved March 25, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled "An Act to regulate the labor of convicts in the penitentiary of the State," approved March 25, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

6       Sec. 1. That no labor shall be performed by the convicts in the penitentiary of this State in any stone quarry or other place outside the walls of the penitentiary: *Provided*, this Act shall not be so construed as to prohibit such labor being performed in quarrying stone for the use of the State by its authorized agent: *And, provided, further*, that this Act shall not be construed to pro

11 hibit the employment of convicts outside the prison walls by the wardens and  
12 commissioners in labor incident to the business and management of the peniten-  
13 tiary: *And, provided, further, that this Act shall not be construed to effect any*  
14 *existing contract. And, provided, further, that this Act shall not be construed*  
15 *to prohibit the employment of convicts outside the prison walls by direction of*  
16 *the Governor of the State, for the improvement or improvements of the chan-*  
17 *nels of the Okaw, Cache and Little Wabash rivers by the State Improvement*  
18 *Commission. Such convicts to be under the control and supervision of the warden*  
19 *and commissioners of the penitentiary, while engaged in such employment.*



AMENDMENTS TO

46th Assem.

HOUSE—No. 737

May 1909

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Adopted May 25, 1909.

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AMENDMENT NO. 1.

A bill for "An Act to amend section 11 of an Act entitled, 'An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry,' approved May 11, 1903, in force July 1, 1903, and as amended by Act approved May 18, 1905, in force July 1, 1905."

AMENDMENT NO. 2.

That section 11 of an Act entitled, "An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry," approved May 11, 1903, in force July 1, 1903, as amended May 18, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows:

Sec. 11. The labor of convicts in penitentiaries and reformatories in this State after the necessary labor for the manufacture of all needed supplies for said institutions, shall be primarily devoted to the State and the public institutions and buildings thereof, and the manufacture of supplies for the State and public institutions thereof; and, secondly, to the school and road districts of the State and

the public institutions thereof: *But, provided*, that if the demands of the State, the State institutions and the school and road districts thereof, as herein provided, shall not be sufficient to furnish employment to all the prisoners of the penal and reformatory institutions of the State, then the Board of Prison Industries may and are hereby authorized to dispose of the surplus products of such labor to the best advantage of the State: *But, provided, further*, that not more than forty per cent (40 per cent) of said prisoners in the penal and reformatory institutions shall be employed in the manufacture of products of industries heretofore established which may be disposed of other than to the State, State institutions and school and road districts of this State: *And, providing, further*, that the said Board of Prison Industries, under the direction of the Governor, is hereby authorized to employ not more than forty per cent (40 per cent) of said prisoners in the penal and reformatory institutions for the improvement of the channels of the Okaw, Cache, Little Wabash and Big Muddy rivers.

- 1 Introduced by Mr. Lane, May 21, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary

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## A BILL

For an Act entitled “An Act granting the right, power and authority to the Chicago Excavation and Recreation Pier Company (incorporated) and its successors, to construct, maintain and operate a recreation pier upon the submerged lands and in the waters of Lake Michigan extending easterly and perpendicular to the general trend of the shore line at 31st street, in the city of Chicago, with proper and necessary approaches.”

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the right, power and authority be, and the same  
3 is hereby granted to the Chicago Excavation and Recreation Pier Company  
4 (Incorporated), and to its successors, to construct, maintain and operate a re-  
5 creation pier upon the submerged lands and in the waters of Lake Michigan,  
6 extending easterly and perpendicular to the general trend of the shore line at  
7 31st street, in the city of Chicago, extending for the period of thirty years

8 from the first day of July, A, D, 1909, with the proper and necessary ap-  
9 proaches thereto; said piers shall not exceed 4,000 feet in length from the  
10 shore line of Lake Michigan at low water mark, to its easterly end, and shall  
11 not exceed 350 feet in width at any point, and shall be constructed and main-  
12 tained at all times upon columns or other supports so that the continuous flow  
13 of water under said pier shall not be obstructed; said pier shall commence on  
14 the shore line of Lake Michigan at low water mark at a point not to exceed  
15 1,000 feet either north or south of the center line of 31st street, in the city of  
16 Chicago, extended, and shall extend easterly and perpendicular to the general  
17 trend of the shore line at 31st street; that the further right, power and author-  
18 ity be and the same is hereby given to said Chicago Excavation and Recreation  
19 Pier Company and to its successors to construct, maintain and operate the  
20 proper and necessary approaches to said pier hereby authorized, over and across  
21 any and all streets and highways in said city of Chicago.

Sec. 2. Said Chicago Exposition and Recreation Pier Company and its  
2 successors, for the rights and privileges hereby granted and for the use and  
3 occupation of said submerged lands, shall admit the public to the promenade  
4 portion of said recreation pier free of charge.

Sec. 3. No title to said submerged lands or rights, privileges or authority,  
2 other than those expressly given and granted by this Act, shall be acquired  
3 by said Chicago Exposition and Recreation Pier Company and its successors.

Sec. 4. The rights, privileges and authority hereby given and granted  
2 shall be at all times subject to all rules, regulations and control of navigation  
3 established by the United States.



- 1 Introduced by Mr. Behrens, May 21, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

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## A BILL

For an Act concerning township high school districts.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That when part of a school township has been in-  
3 cluded in a high school district, the remainder of such township not included in  
4 any high school district, shall constitute a township for high school purposes.



- 1 Introduced by Mr. Shanahan, May 24, 1909.
- 2 Read a first time, ordered printed and to a second reading.

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## A BILL

For an Act to provide for the necessary revenue for State purposes.

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- SECTION 1.** *Be it enacted by the People of the State of Illinois represented*
- 2 *in the General Assembly:* That there shall be raised, by levying a tax by valu-
  - 3 ation upon the assessed taxable property of the State, the following sums for
  - 4 the purposes hereinafter set forth:
- 5 For general State purposes, to be designated "revenue fund," the sum
- 6 of six million one hundred thousand dollars (\$6,100,000) upon the assessed
  - 7 value of the property for the year A. D. 1909; six million one hundred thou-
  - 8 sand dollars (\$6,100,000) upon the assessed value of property for the year
  - 9 A. D. 1910; and for State school purposes, to be designated "State school
  - 10 fund," the sum of one million dollars (\$1,000,000) upon the assessed taxable
  - 11 property for the year A. D. 1909, and the sum of one million dollars (\$1,000,000)
  - 12 upon the assessed taxable property for the year A. D. 1910, in lieu of the two
  - 13 mill tax.

Sec. 2. The Governor, the Auditor and Treasurer shall annually compute  
2 the several rates per cent required to produce not less than the above amounts,  
3 anything in any other Act providing a different manner of ascertaining the  
4 amount of revenue required to be levied for State purposes to the contrary  
5 notwithstanding; and when so ascertained, the Auditor shall certify to the  
6 county clerk the proper rates per cent therefor, and also such definite rates  
7 for other purposes as are now or may hereafter be provided by law, to be  
8 levied and collected as State taxes, and all other laws and parts of laws in  
9 conflict with this Act are hereby repealed.



- 1 Reported from Senate January 14, 1909.
- 2 Read first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act making appropriations for the payment of employes of the Forty-sixth General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be, and is hereby appropriated the sum  
3 of \$100,000, or so much thereof as may be necessary, to pay the employes of  
4 the Forty-sixth General Assembly at the rate of compensation allowed by law.  
5 Said employes to be paid upon rolls certified to by the presiding officers of  
6 the respective houses, or by the Secretary of State, as provided by law.

Sec. 2. WHEREAS, The above appropriation is necessary for the transaction  
2 of the business of the State, therefore an emergency exists and this Act shall  
3 take effect from and after its passage.



- 1 Reported from Senate January 14, 1909.
- 2 Read first time, ordered printed and to a second reading without reference.

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## A BILL

For an Act to provide for the incidental expenses of the Forty-sixth General Assembly of the State of Illinois, and for the care and custody of the State house and grounds, to be incurred and now unprovided for.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the sum of \$33,000, or so much thereof as  
3 may be required, is hereby appropriated to pay the incidental expenses of  
4 the Forty-sixth General Assembly, or either branch thereof, or to be expended  
5 by the Secretary of State in the discharge of the duties imposed upon him  
6 by law, or by the direction of the General Assembly, or either branch thereof.  
7 All expenditures to be certified to by the Secretary of State, as provided by  
8 law.

Sec. 2. The Auditor of Public Accounts is hereby authorized and di-  
2 rected to draw his warrants upon the State Treasurer for the sums herein  
3 specified upon presentation of proper vouchers, and the State Treasurer shall

4 pay the same out of any funds in the State treasury not otherwise appropri-  
5 ated.

Sec. 3. WHEREAS, The appropriation above recited is necessary for the ex-  
2 penses incurred in the transaction of the business of the State and the Forty-  
3 Sixth General Assembly, therefore an emergency exists, and this Act shall take  
4 effect from and after its passage.



- 1 Reported from Senate May 19, 1909.
- 2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to establish a Legislative Aid Department of the State government  
and to appropriate money therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the Governor, the Secretary of State and one  
3 other who shall be appointed by the Governor, who shall not be of the same  
4 political party as the Governor and who shall serve without compensation, shall  
5 constitute a commission which shall be known as the Legislative Aid Commis-  
6 sion; said commission is hereby authorized and directed to establish and main-  
7 tain a department to be known as the Legislative Aid Department, which de-  
8 partment shall comprise two divisions, to wit: A Legislative Reference Divi-  
9 sion, and a Legislative Drafting Division.

Sec. 2. Said commission shall appoint at their pleasure a Librarian, who  
2 shall have general charge and supervision of the Legislative Reference Divi-

3 sion, which Librarian shall be an expert skilled in legislative reference work,  
 4 and shall appoint at their pleasure a Legislative Draftsman, who shall have  
 5 general charge and supervision of the Legislative Drafting Division, which  
 6 Legislative Draftsman shall be a duly qualified lawyer licensed to practice law in  
 7 the State of Illinois. The salary of said Librarian shall be \$3,000 per annum, and  
 8 the salary of said Legislative Draftsman shall be \$3,000 per annum,  
 9 said salaries shall be payable monthly upon bills of particular certified to by  
 10 the Legislative Aid Commission. Said commission shall appoint at their pleas-  
 11 ure such assistants, clerks and other clerical force as may be deemed neces-  
 12 sary for conducting the work of said Legislative Aid Department.

Sec. 3. The said Legislative Reference Division shall establish and con-  
 2 tinuously maintain an efficient and comprehensive Legislative Reference Li-  
 3 brary. Said division shall prepare and have available for use explanatory  
 4 check lists and catalogues of the current legislation of this and other States and  
 5 foreign countries, catalogue lists of the bills and resolutions presented in either  
 6 branch of the General Assembly, check lists of the several public documents  
 7 of this State, including all reports issued by the various State departments,  
 8 boards and commissions, and digests of such public laws of this and other  
 9 States and foreign countries as may be thus made best available for legislative  
 10 use. Said bureau shall secure, or arrange for access to, standard works of use  
 11 and reference and shall prepare catalogued files of such other printed matter  
 12 as may be required. Said bureau shall gather material respecting the manner  
 13 in which laws have worked in other states and foreign countries and prepare  
 14 reports thereon so that the General Assembly, the committees and the mem-  
 15 bers thereof shall have the fullest available information upon all matters re-  
 16 specting their duties.

Sec. 4. The Legislative Drafting Division shall give to the members of  
 2 the General Assembly and the several State departments such aid and assist-

ance in the drafting of bills and resolutions as may be requested. Said division shall examine and inspect all bills which reach the order of second reading in either branch of the General Assembly, so far as practicable, and the Legislative Draftsman shall report in writing to the Secretary of the Senate or to the Chief Clerk of the House, as the case may be, any amendments which, in the opinion of the said Legislative Draftsman, should be made to any such bill in order that the same may conform to the constitution and harmonize with the laws of the State, for such action as the General Assembly may deem it advisable to take.

Sec. 5. The said commission is hereby authorized and directed to cooperate with the librarians, or other authorized officers, of all libraries supported in any manner by State funds, with a view to a joint arrangement by which the needs of the General Assembly and the matter of general books of reference may be met to the fullest possible extent.

Sec. 6. The printing of all necessary card catalogues, check lists, supplementary lists, reports and publications and the binding necessary for such publications and the proper preservation of material collected under this Act shall be done under the order of the Commissioners of State Contracts, and the stationery, printing, paper, cards, library cases and other supplies necessary to secure the economical and efficient administration of the work of said Legislative Aid Commission shall be furnished by the Secretary of State upon orders from the said Legislative Aid Commission. The custodian of the State house and the custodian of the building for the Department of Justice, respectively, shall, at the request of said Legislative Aid Commission, furnish suitable quarters for said Legislative Aid Department and the respective divisions thereof, and shall, if the said commission shall so request, furnish suit

13 able quarters for said department, or either division thereof, in or contiguous  
14 to the State Library or the Supreme Court Library, so that the contents of  
15 said State Library and of said Supreme Court Library, or either of them, may  
16 be available for use in connection with said Legislative Aid Department.



- 1 Reported from Senate March 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section seventeen (17) of an Act entitled "An Act to revise the law in relation to promisory notes, bonds, due bills, and other instruments in writing," approved March 18, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section seventeen (17) of an Act entitled, "An  
3 Act to revise the law in relation to promissory notes, bonds, due bills and other  
4 instruments in writing," approved March 18, 1874, in force July 1, 1874, be  
5 amended to read as follows:

SECTION 17. The following days, to-wit: The first day of January, com-  
2 monly called New Year's Day, the twenty-second day of February, the thirtieth  
3 day of May, the fourth day of July, the twelfth day of October, commonly  
4 called Columbus day, the twenty-fifth day of December, commonly called  
5 Christmas day, the first Monday in September, to be known as Labor day, the

6 twelfth day of February, any day appointed or recommended by the Governor  
7 of this State or by the President of the United States as a day of fast or  
8 thanksgiving, and in cities of 200,000 inhabitants or more from 12 o'clock noon to  
9 12 o'clock midnight of the last day of the week, commonly called Saturday, are  
10 hereby declared to be legal holidays and half holidays, the term half holiday  
11 including the period from noon to midnight of each Saturday which is not  
12 a holiday, and shall, for all purposes whatsoever, as regards the presenting  
13 for payment or acceptance, the maturity and protesting and giving notice of  
14 the dishonor of bills of exchange, bank checks and promisory notes and other  
15 negotiable or commercial paper or instruments, be treated and is considered as  
16 is the first day of the week, commonly called Sunday. When any such holi-  
17 days fall on Sunday, the Monday next following shall be held and considered  
18 such holiday. All notes, bills, drafts, checks, or other evidence of indebted-  
19 ness, falling due or maturing on either of said days, shall be deemed as due  
20 or maturing upon the day following, and when two (2) or more of these days  
21 come together, or immediately succeeding each other, then such instruments,  
22 paper or indebtedness shall be deemed as due or having matured on the day  
23 following the last of such days.

- 1 Reported from Senate March 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

A BILL

For an Act to amend section 1 of an Act entitled “An Act to authorize county boards in counties under township organization to organize certain territory situated therein as a town,” approved May 23, 1877, in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act to authorize county boards in counties under township organization to organize certain territory situated therein as a town,” approved May 23, 1877, in force July 1, 1877, be amended to read as follows:

Section 1. The county board in any county under township organization, shall provide that the territory embraced within any city in such county shall be organized as a town; provided such territory shall have a population of not less than three thousand; and provided further that the city council in such city shall, by resolution, request such action by the county board, and shall designate the name thereof.





1 Reported from Senate Feb. 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 120, 121 and 122 of an Act entitled "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, and to repeal section 119 thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 120, 121 and 122 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, be and the same are hereby amended to read as follows:

6 "Sec. 120. If any final determination of any cause or proceeding whatever  
7 except in chancery shall be made by the appellate court, as the result wholly or  
8 in part of the finding of the facts concerning the matter in controversy, differ-  
9 ent from the finding of the court from which such cause or proceeding was

10 brought by appeal or writ of error, it shall be the duty of such appellate court  
 11 to recite in its final order, judgment or decree, the facts as found; and the  
 12 judgment of the appellate court shall be final and conclusive as to all matters  
 13 of fact in controversy in such cause or proceeding."

14 "Sec. 121. In all cases in which their jurisdiction is invoked pursuant to  
 15 law, except those wherein appeals and writs of error are specifically required  
 16 by the constitution of the State to be allowed from the appellate courts to the  
 17 Supreme Court, the judgments or decrees of the appellate courts shall be final,  
 18 subject, however, to the following exceptions: (1) In case a majority of the  
 19 judges of the appellate court or of any branch thereof shall be of opinion that a  
 20 case (regardless of the amount involved) decided by them involves a ques-  
 21 tion of such importance, either on account of principal or collateral interests,  
 22 as that it should be passed upon by the Supreme Court, they may in such cases  
 23 grant appeals to the Supreme Court on petition of parties to the cause, in  
 24 which case the said appellate court shall certify to the Supreme Court the  
 25 grounds of granting said appeal. (2) In any such case as is hereinbefore  
 26 made final in the said appellate courts it shall be competent for the Supreme  
 27 Court to require, by certiorari or otherwise, any such case to be certified to the  
 28 Supreme Court for its review and determination with the same power and au-  
 29 thority in the case, and with like effect, as if it had been carried by appeal or  
 30 writ of error to the Supreme Court: *Provided, however,* that in actions *ex*  
 31 *contractu* (exclusive of actions involving a penalty) and in all cases sounding  
 32 in damages the judgment, exclusive of costs shall be more than one thousand  
 33 dollars (\$1,000); *And, provided, also,* that application under this Act to the  
 34 Supreme Court to cause it to require a case to be certified to it for its review  
 35 and determination shall be made on or before twenty (20) days before the first  
 36 day of the succeeding term of said Supreme Court: *Provided,* Fifty (50) days  
 37 shall have intervened between the day on which a rehearing in the appellate

38 court shall have been denied or the day upon which the leave to apply for a re-  
39 hearing shall have expired without any such application having been made, and  
40 the first day of such succeeding term of said court. But if less than fifty (50)  
41 days shall have intervened as aforesaid, then such application shall be made  
42 on or before twenty (20) days before the first day of the second term of the  
43 Supreme Court succeeding the day on which a rehearing in the appellate court  
44 shall have been denied or the day upon which the leave to apply for a rehearing  
45 shall have expired without any such application having been made, otherwise said  
46 power of the Supreme Court to review the judgment and decree of the appel-  
47 late court shall cease to exist.

48 “Whenever judgment has been rendered in any of the said appellate courts,  
49 the appellate court so rendering judgment shall have power to stay the issuing  
50 of any mandate until the time for filing a petition in the Supreme Court for a  
51 writ of certiorari shall have expired without any such petition having been filed,  
52 or if such petition for said writ shall have been filed within the proper time,  
53 the appellate court so rendering judgment shall have power to stay the issuing  
54 of any mandate until said writ of certiorari shall have been granted or refused.  
55 Whenever said writ of certiorari shall have been granted, the issuing or en-  
56 forcement of any mandate of the appellate court pursuant to its judgment, or  
57 of any judgment entered in any court or standing affirmed in any court pur-  
58 suant to the mandate of the appellate court, shall be stayed without further  
59 order by the Supreme Court until the final disposition of the case by the  
60 Supreme Court.”

61 “Sec. 122. The Supreme Court shall re-examine cases brought to it by  
62 appeal or writ of certiorari as provided in this Act, from the appellate courts,  
63 as to questions of law only; and in the cases aforesaid, no assignment of error  
64 shall be allowed calling in question the determination of the inferior or appel-  
65 late courts upon controverted questions of fact therein.”

Sec. 2. Section 119 of "An Act in relation to practice and procedure in  
2 courts of record," approved June 3, 1907, in force July 1, 1907, be and the  
3 same is hereby repealed.



**AMENDMENT TO**

**46th Assem.      Senate Bill No. 11 in House      May 1909**

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Adopted May 27, 1909.

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**AMENDMENT. NO. 1.**

Amend Senate Bill No. 11 by striking out of the title the figures "120" and by striking out in line 2 the figures "120" and by striking out in said bill the section appearing as "No. 120."



- 1    Reported from Senate January 14, 1909.
- 2    Read first time, ordered printed and to a second reading without reference.

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A BILL

For an Act to amend section one (1) of “An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois,” approved December 6, 1907, in force July 1, 1908.

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SECTION 1.    *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois,” approved December 6, 1907, in force July 1, 1908, be and the same is hereby amended so as to read as follows:

Sec. 1. That the members of the General Assembly shall receive for their services the sum of one thousand (\$1,000) dollars per annum, seven hundred and fifty (\$750) dollars to be paid on January 15th in each year, and two hundred and fifty (\$250) dollars to be paid on May 15th in each year, and ten (10) cents per mile for each mile necessarily traveled in going to and returning from the seat

11 of government at each session, to be computed by the Auditor of Public Ac-  
12 counts, and no other allowance or emoulment, directly or indirectly, for any  
13 purpose whatsoever, except the sum of fifty (\$50) dollars per session to each  
14 member, which shall be in full for stationery, newspapers, postage, and all  
15 other incidental expenses and perquisites.

Sec. 2. Whereas, an emergency exists, therefore this Act shall take effect  
2 and be in force from and after its passage.



AMENDMENT TO

46th Assem.      Senate Bill No. 12 in House      Jan. 1909

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Amendment to Senate Bill No. 12, offered by Mr. Donahue, and adopted by the House, January 21, 1909.

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AMENDMENT NO. 1.

Amend Senate Bill No. 12 in House by striking out all of section one (1) in said bill and inserting in lieu thereof the following:

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an Act entitled "An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois," approved December 6, 1907, in force July 1, 1908, be and the same is hereby amended so as to read as follows:

Section 1. That the members of the General Assembly elected in the year 1908 and hereafter elected shall receive for the period for which members of the House of Representatives of the General Assembly are elected, the sum of two thousand dollars payable during the first regular session of the General Assembly held after the general election for members of the House of Representatives and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government at each session, to be computed by the Auditor of Public Accounts, and also fifty dollars per session for each member, which shall be in full for stationery, newspapers, postage and all other incidental expenses.



- 1 Reported from Senate March 24, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to prohibit the organization or formation of secret fraternities and secret societies or permitting membership therein in any public high school, district, primary or graded school of this State, empowering and making it the duty of school trustees, directors or boards of directors to adopt rules and regulations relating thereto, and to enforce the same, and making it an offense to solicit pupils to join them, and prescribing the penalty therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That from and after the passage of this Act, it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, retain a membership in or

6 to solicit any other pupil of any such school to join, or become a member of any  
7 secret fraternity or secret society wholly, or partially, formed from the mem-  
8 bership or pupils attending any such schools, or to take part in the organization  
9 or formation of or retain a membership in any such fraternity or society, ex-  
10 cept such societies or associations as are sanctioned by the trustees of such  
11 schools.

Sec. 2. The trustees, directors or boards of education, as the case may  
2 be, of all such schools shall enforce the provisions of section 1 of this Act;  
3 and shall have full power and authority to make, adopt and modify all rules  
4 and regulations which in their judgment and discretion may be necessary for  
5 the proper governing of such schools in enforcing all the provisions of sec-  
6 tion 1 of this Act.

Sec. 3. The trustees, directors or boards of education of such schools shall  
2 have full power and authority, pursuant to the adoption of such rules and  
3 regulations made and adopted by them, to suspend or dismiss any pupil or  
4 pupils of such schools therefrom, or to prevent them or any of them, from  
5 graduating or participating in school honors, when, after investigation, in the  
6 judgment of such trustees, directors or boards of education, or a majority of  
7 them, such pupil or pupils are guilty of violating any of the provisions of sec-  
8 tion 1 of this Act; or who are guilty of violating any rule, rules or regula-  
9 tions adopted by such trustees, directors or boards of education, for the pur-  
10 pose of governing such schools in enforcing section 1 of this Act.

Sec. 4. It is hereby made a misdemeanor for any person, not a pupil of  
2 such schools, to be upon the school grounds, or to enter any school building  
3 for the purpose of "rushing," or soliciting, while there, any pupil or pupils of  
4 such school to join any secret fraternity, society or association organized out-



5 side of said school; and all persons found guilty of such offenses shall, upon  
6 conviction thereof, be fined not less than two dollars nor more than ten dollars,  
7 which fines shall become a part of the school fund for the district wherein such  
8 offense shall have been committed.



- 
- 1 Reported from Senate January 14, 1909.
  - 2 Read first time, ordered printed and to a second reading without reference.
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WHEREAS, A most appalling calamity has overtaken southern Italy and Sicily, earthquake, flood and fire devastating a wide territory and causing an unprecedented loss of life and property; and,

WHEREAS, Funds are more effective than sympathy; therefore, be it

*Resolved*, That the following bill appropriating \$10,000 for the relief of the suffering and destitute people of southern Italy and Sicily be enacted into law.

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## A BILL

For an Act for the relief of the suffering and destitute people of southern Italy and Sicily.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars

3 (\$10,000) be, and the same is hereby, appropriated out of any money in the  
4 State treasury not otherwise appropriated, for the relief of the suffering and  
5 destitute people of southern Italy and Sicily.

Sec. 2. The Governor of the State of Illinois is hereby authorized to ap-  
2 point a commission of three persons, who shall serve without compensation, to  
3 receive from the State Treasurer and pay over to the proper authorities in  
4 southern Italy and Sicily for distribution to the suffering people, the moneys  
5 hereby appropriated.

Sec. 3. The Auditor of Public Accounts is hereby authorized to draw his war-  
2 rant for the sum of ten thousand dollars (\$10,000), payable to the commission  
3 so appointed by the Governor, and the treasurer of the State is hereby directed  
4 to pay the same to said commission, and the said commission is hereby author-  
5 ized and directed to pay said money to such authorities of southern Italy and  
6 Sicily as may be authorized to receive and distribute moneys for charitable  
7 purposes, and the same shall be received and distributed to the suffering and  
8 destitute people of southern Italy and Sicily.

Sec. 4. WHEREAS, The suffering is great and immediate aid is necessary,  
2 therefore an emergency exists, and this Act shall be in force and effect from and  
3 after its passage.



Passed by Senate May 19, 1909.

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**A BILL**

For an Act in relation to courts.

[This bill is an exact duplicate of House Bill No. 1, with the following amendments:]

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**AMENDMENT NO. 1.**

Amend section 1 by inserting a comma (,) after the word "proceedings," in line 45 of said section, on page 3 of the printed bill.

**AMENDMENT NO. 2.**

Amend section 1 by inserting the word "the" after the word "for," in line 95 of said section, on page 5 of the printed bill.

## AMENDMENT NO. 3.

Amend section 1 by inserting the word "*Proceeding*" in place of the word "*Proceedings*," in line 127 of said section, on page 6 of the printed bill.

## AMENDMENT NO. 4.

Amend section 8 by inserting between lines 43 and 44 of said section, on page 10 of the printed bill, the following:

"*Twelfth*—SUPPLEMENTARY PROCEEDINGS.] All supplementary proceedings for the collection of judgments and decrees for money."

Also by striking out the word "*Twelfth*" and inserting in lieu thereof the word "*Thirteenth*," in line 44 of said section, on page 10 of the printed bill.

## AMENDMENT NO. 5.

Amend section 10 by inserting between lines 28 and 29 of said section, on page 11 of the printed bill, the following:

"*Thirteenth*—SUPPLEMENTARY PROCEEDINGS.] All supplementary proceedings for the collection of judgments and decrees for money."

Also by striking out the word "*Thirteenth*," in line 29 of said section, on page 11 of the printed bill, and inserting in lieu thereof the word "*Fourteenth*."

## AMENDMENT NO. 6.

Amend section 21 by inserting between the word "causes" and the word "at," in line 5 of said section, on page 19 of the printed bill, the words, "and at such other times as may be necessary for the prompt transaction of business, and the judges are not engaged in the actual transaction of business in other counties of the circuit."

## AMENDMENT NO. 7.

Amend section 25 by inserting the word "the" between the word "all" and the word "duties," in line 5 of said section, on page 22 of the printed bill.

## AMENDMENT NO. 8.

Amend section 38 by striking out lines 6, 7, 8 and 9 of said section, on page 24 of the printed bill.

Also by striking out the word "*Second*," in line 10 of said section, on page 24 of the printed bill, and inserting in lieu thereof the word "*First*."

Also by striking out the word "*Third*," in line 13 of said section, on page 25 of the printed bill, and inserting in lieu thereof the word "*Second*."

Also by striking out the word "*Fourth*," in line 17 of said section, on page 25 of the printed bill, and inserting in lieu thereof the word "*Third*."

Also by striking out the word "*Fifth*," in line 35 of said section, on page 25 of the printed bill, and inserting in lieu thereof the word "*Fourth*."

Also by striking out the word "*Sixth*," in line 31 of said section, on page 25 of the printed bill, and inserting in lieu thereof the word "*Fifth*."

Also by striking out all of lines 36, 37, 38 and 39 of said section, on page 35 of the printed bill.

## AMENDMENT NO. 9.

Amend section 36 by striking out the word "superintendending" and inserting in lieu thereof the word "superintending," in line 14 of said section, on page 30 of the printed bill.

## AMENDMENT NO. 10.

Amend section 36 by inserting the word "out" after the word "court" in line 23 of said section on page 31 of the printed bill.

## AMENDMENT NO. 11.

Amend section 39 by inserting the word "the" after the word "by" in line 13 of said section on page 34 of the printed bill.

## AMENDMENT NO. 12.

Amend section 43 by inserting a comma (,) after the word "notice" in line 13 of said section on page 37 of the printed bill.

## AMENDMENT NO. 13.

Amend section 46 by inserting the word "COURTS" before "—HOW PROCURED" in line 2 of said section on page 38 of the printed bill.

## AMENDMENT NO. 14.

Amend section 49 by striking out the word "shall" before the words "have power" in line 8 of said section on page 39 of the printed bill.

## AMENDMENT NO. 15.

Amend section 61 by striking out the word "to" before the word "authorize" in line 2 of said section on page 45 of the printed bill.



## AMENDMENT NO. 16.

Amend section 66 by striking out the words "ten years preceding his appointment" in line 6 of said section on page 47 of the printed bill and inserting in lieu thereof the words "for at least five years," and also by striking the words "and shall have attained the age of thirty-two years" in line 3 of said section on page 47 of the printed bill.

## AMENDMENT NO. 17.

Amend section 69 by inserting the word "and" between the word "*corpus*" and the words "*ne exeat*" in line 5 of said on page 48 of the printed bill.

Also by inserting the words "to enter" after the words "*ne exeat and*" in line 5 of said section on page 48 of the printed bill.

Also by inserting the word "orders" before the words "and perform" in line 6 of said section on page 48 of the printed bill.

## AMENDMENT NO. 18.

Amend section 71 by striking out the words and figures "one thousand dollars (\$1,000)" in line 4 of said section on page 49 of the printed bill and inserting in lieu thereof the words and figures "six hundred dollars (\$600)."

## AMENDMENT NO. 19.

Amend section 75 by striking out the word "shall" before the words "be their duty" in line 5 of said section on page 51 of the printed bill.

## AMENDMENT NO. 20.

Amend section 83 by striking out the word “anad” and inserting in lieu thereof the word “and” in line 6 of said section on page 55 of the printed bill.

## AMENDMENT NO. 21.

Amend Part VIII on pages 58 to 66, both inclusive, of the printed bill so that the same shall read as follows:

## PART VIII.

## THE SUPREME COURT AND APPELLATE COURT REPORTERS.

## SECTION.

- 88. Reporter of Supreme Court to receive salary—no other emoluments—exception—duties.
- 89. Reporter of appellate courts—duties—
- 90. Illinois reports new series—only four volumes annually.  
salary.
- 91 Appellate court reports new series—limitation.
- 92. Rules for selection and publication of opinions.
- 93. Syllabus—statement of facts—other particulars.

## SECTION.

- 94. Table of cases and index.
- 95. Digests.
- 96. Unpublished opinions—what to contain.
- 97. Encyclopedias not to be cited.
- 98. Advance sheets.
- 99. Distribution of reports of new series.
- 100. Sales of copies of reports.
- 101. Assistants of reporters—salaries—how fixed.
- 102. Expenses of printing, etc., to be paid out of attorney's fund.

Sec. 88. REPORTER OF SUPREME COURT TO RECEIVE SALARY—NO OTHER EMOLUMENTS—EXCEPTION—DUTIES.] From and after the first day of July, 1909, the reporter of the decisions of the supreme court shall receive a salary of ten thousand dollars (\$10,000) per annum, payable out of the State treasury, and shall receive.

neither directly nor indirectly, any other profits or emoluments by virtue of his office other than such as he may receive from the publication of the volumes of the Illinois Reports down to and including volume numbered two hundred and forty (240). It shall be the duty of such reporter to report, publish and distribute, or cause to be reported, published and distributed, subject to the provisions hereinafter contained, the decisions of the supreme court and to perform such other work as may be hereinafter provided to be performed by him or as may be required of him by the court.

Sec. 89. REPORTER OF APPELLATE COURTS—DUTIES—SALARY.] Immediately after the taking effect of this Act the supreme court shall appoint a reporter of the decisions of the appellate courts. Such appointment may be made either in term time or in vacation. It shall be the duty of such reporter to report, publish and distribute, or cause to be reported, published and distributed, subject to the provisions hereinafter contained, the decisions of the appellate courts of this State, and to perform such other work as may be hereinafter provided to be performed by him or as may be required of him by the court. He shall receive a salary of six thousand dollars (\$6,000) per annum which shall be payable, in quarterly installments, out of the attorneys' fund hereinafter provided for.

Sec. 90. ILLINOIS REPORTS NEW SERIES—ONLY FOUR VOLUMES ANNUALLY.] After the completion and publication of volume numbered two hundred and forty (240) of the Illinois Reports, said reporter of the decisions of the supreme court shall commence the publication of a new series of reports of the decisions of the supreme court, to be known as Illinois Reports New Series, the volumes thereof to be numbered consecutively commencing with volume numbered one (1). Each volume of said new series of reports shall be of substantially the same size, be printed from similar type and upon the same quality of paper and be bound in substantially the same manner, or with equally good binding, as volume numbered two

hundred (200) of the Illinois Reports, excepting that each volume thereof shall contain, including a table of cases and index, not less than seven hundred and fifty (750) pages and not more than eight hundred (800) pages. No more than four volumes of said reports shall be published in any one year and the opinions to be published in each volume shall be such only as the judges of the supreme court shall, in accordance with the provisions hereinafter contained, direct to be published therein.

Sec. 91. APPELLATE COURT REPORTS—NEW SERIES—LIMITATION.] After the filing by the Appellate Courts of opinions sufficient, with those heretofore filed and published, to complete in all one hundred and forty-five (145) volumes of Appellate Court reports of the series now being published, the reporter of the decisions of the Appellate Courts shall commence the publication of a new series of reports of the decisions of the Appellate Courts, to be known as Appellate Court Reports New Series, the volumes thereof to be numbered consecutively, commencing with volume numbered one (1), the size, paper, type and binding of each volume to be substantially the same as that above prescribed for the volumes of the Illinois Reports New Series. Not more than four volumes of said Appellate Court Reports New Series shall be published within any one year, and the opinions to be published in each volume thereof shall be such only as may be selected by said reporter with the approval of the judges of the Supreme Court.

Sec. 92. RULES FOR SELECTION AND PUBLICATION OF OPINIONS.] In the selection of opinions of the Supreme Court and of the Appellate Courts for publication, and the publication of the same as aforesaid, the following rules shall be observed:

*First*—DISCUSSION OF EVIDENCE.] No opinion, or portion of an opinion, of either court shall be so selected for publication which shall consist of a discussion of evidence upon any controverted question or questions of fact.

*Second*—REPEATING PREVIOUSLY ANNOUNCED RULES.] No opinion, or portion of an opinion, of either court which pertains to a question or questions of law, shall



be so selected for publication, unless the same announces a rule or principle of law not previously announced by the Supreme Court or is an application of a rule or principle of law previously announced by the Supreme Court to facts to such an extent different from the facts arising in cases previously decided, as, in the judgment of the judges of the Supreme Court, to render the publication of such opinion advantageous.

*Third—QUOTATIONS.]* No opinion, or portion of an opinion, of either court shall be so selected for publication which consists of a quotation or quotations from previously published opinions of either of said courts, excepting when the language quoted is set forth for the purpose of explaining the same or of modifying or overruling the decision announced thereby.

*Fourth—DISSENTING OPINIONS.]* No dissenting opinion of any judge shall be so selected for publication.

*Fifth—APPELLATE COURT OPINIONS.]* No opinion or portion of an opinion of any appellate court shall be so selected for publication prior to the expiration of the time within which an appeal to the supreme court may be perfected from the judgment of the appellate court in the action in which such opinion has been filed, and not thereafter if, within the time allowed for such appeal, the same be perfected or a writ of error be sued out to reverse the judgment, until the final determination of the action in the supreme court, unless the supreme court shall otherwise direct.

*Sixth—ADOPTION OF APPELLATE COURT OPINION.]* No opinion or portion of an opinion of the Supreme Court shall be so selected for publication when the same consists merely of the adoption and quotation by the Supreme Court of the opinion of an appellate court, but in such case the opinion so adopted and quoted may be published in the Appellate Court Reports New Series, if the same is one authorized by this Act to be so published, and the report thereof in the Illinois Reports New Series shall be limited to a statement that the opinion of the appellate court was so adopted, and giving the result of the decision of the supreme court.

*Seventh*—OMITTING PORTIONS.] When any opinion is filed only a portion of which is permitted to be published in accordance with the foregoing rules, such opinion, before publication, shall be modified or changed so as to omit therefrom the portion or portions the publication of which would conflict with said rules.

*Eighth*—OPINIONS TO BE PER CURIAM.] No report of an opinion shall specify the judge by whom the same has been prepared, but each opinion shall be an opinion per curiam.

Sec. 93. SYLLABUS—STATEMENT OF FACTS—OTHER PARTICULARS.] Every opinion so selected for publication as aforesaid, when published as aforesaid, shall be preceded by a syllabus, in such number of divisions as may be necessary, briefly and concisely stating the point or points of law determined in the opinion and also by a brief and concise statement of the facts appearing in the action and necessary to the understanding of the application of the rules or principles of law set forth in the opinion. It shall also specify whether the action is an original action or whether it is brought to the court by appeal or writ of error and, if brought to the court by appeal or writ of error, the report shall specify the court from which the appeal or to which the writ of error has been prosecuted and the name of the presiding judge of the court of original jurisdiction, together with the individual names of the attorneys at law representing the parties in the appellate court or supreme court, as the case may be.

Sec. 94. TABLE OF CASES AND INDEX.] Every volume of reports published as hereinbefore provided for shall contain a table of the cases the opinions in which are published therein, and a complete and carefully prepared index or digest of the points of law decided therein.

Sec. 95. DIGESTS.] Upon the completion of ten (10) volumes of the Illinois Reports New Series, said reporters of the decisions of the supreme court and appellate courts shall prepare and publish, or cause to be prepared and published, subject

to the provisions hereinafter contained, a complete index or digest of the decisions of the court contained therein, together with the decisions of the appellate courts contained in the volumes of the Appellate Court Reports New Series, then published, such index or digest to be uniform in appearance, paper and binding, as near as may be, with the Illinois Reports New Series, and, upon the completion of each subsequent ten (10) volumes of Illinois Reports New Series, they shall prepare and publish, or cause to be prepared and published, subject to the provisions hereinafter contained, a new and complete index or digest of all of the volumes then published of said Illinois Reports New Series, and of said Appellate Court Reports New Series: *Provided, however,* that no such index or digest shall be published until the same shall have been examined and approved by a majority of the judges of the supreme court.

Sec. 96. UNPUBLISHED OPINIONS—WHAT TO CONTAIN.] Every written opinion of the supreme court or of any appellate court, which, in the judgment of the supreme court, ought not to be published in the Illinois Reports New Series, or, in the Appellate Court Reports New Series, hereinbefore provided for, shall be limited to the following:

*First*—CONCLUSIONS AS TO FACTS.] A statement of the conclusions of the court with respect to any controverted question or questions of fact with such references to the evidence as the court may deem proper.

*Second*—RULES OF LAW APPLICABLE.] A statement of the rules of law applicable to the decision of the case with such citations of authorities in support thereof as the court may deem necessary or pertinent, but without quotations therefrom or comments thereon.

*Third*—CONCLUSION—DIRECTIONS, ETC.] A statement of the conclusion of the court and, if such conclusion be a modification or reversal of the order, judgment or decree of the inferior court, a statement showing the nature of the modification,

and of the order, judgment or decree to be entered in lieu of the order, judgment or decree modified or reversed, or, if the order, judgment or decree be reversed and the cause remanded for a new trial or hearing, a specification of the directions, if any such be prescribed, to be observed by the inferior court upon such new trial or hearing.

Sec. 97. *ENCYCLOPEDIAS NOT CITED.*] Hereafter no encyclopedia of law, or of law and procedure, shall be cited as an authority in any opinion of the supreme court or of any appellate court.

Sec. 98. *ADVANCE SHEETS.*] As often as opinions have been selected for publication in the Illinois Reports New Series, sufficient with the syllabi and statements of facts to be prefixed thereto to occupy one hundred (100) printed pages of a report, and as much oftener as the judges of the supreme court may direct, said reporter of the decisions of the supreme court shall cause the advance sheets of the report thereof to be printed and published and the reporter of the decisions of the appellate courts shall also cause to be printed and published like advance sheets of the reports of opinions of the appellate courts whenever such opinions, with the syllabi and statements of facts prefixed thereto, are sufficient to occupy one hundred (100) pages of a report.

Sec. 99. *DISTRIBUTION OF REPORTS OF NEW SERIES.*] The volumes of the Illinois Reports New Series, and of the Appellate Court Reports New Series, the indexes or digests thereof and the advance sheets hereinbefore provided for, shall be distributed and delivered free by or under the direction of said respective reporters, all charges prepaid, as follows:

*First*—Five copies of each to the library of congress.

*Second*—One copy of each to the President of the United States.

*Third*—One copy of each to each state and territorial library.



*Fourth*—One copy of each to each judge of the supreme court of the United States.

*Fifth*—One copy of each to each judge of the circuit court of the United States.

*Sixth*—One copy of each to each judge of a district court of the United States resident in the State of Illinois.

*Seventh*—Two copies of each to each judge of the supreme court of this State.

*Eighth*—One copy of each to each judge of the circuit courts of this State.

*Ninth*—One copy of each to each judge of the superior court of Cook county.

*Tenth*—One copy of each to each judge of a city court of this State.

*Eleventh*—One copy of each to each judge of the municipal court of Chicago.

*Twelfth*—One copy of each to each county judge of this State.

*Thirteenth*—One copy of each to each judge of a probate court of this State.

*Fourteenth*—One copy of each to each clerk of a court of record of this State.

*Fifteenth*—One copy of each to each master in chancery in any county in this State in which such master in chancery is prohibited from practicing as an attorney at law.

*Sixteenth*—One copy of each to each law institute in this State.

*Seventeenth*—One copy of each to each law school in this State.

*Eighteenth*—Three copies of each to the Attorney General of this State.

*Nineteenth*—One copy of each to each State's Attorney of this State, other than the State's Attorney of Cook county.

*Twentieth*—Five copies of each to the State's Attorney of Cook county.

*Twenty-first*—Three copies of each to the Attorney General of the United States.

*Twenty-second*—One copy of each to each United States district attorney resident in the State of Illinois.

*Twenty-third*—One copy of each to each State officer, other than the Attorney General, required to reside at the seat of government.

*Twenty-fourth*—Five copies of each to the library of the supreme court of this State and three copies of each to the library of each appellate court of this State.

*Twenty-fifth*—Twenty copies of each to the State library of this State for use of the State.

*Twenty-sixth*—One copy of each to each attorney at law authorized to practice in the courts of this State and resident in this State.

Sec. 100. SALES OF COPIES OF REPORTS.] Said respective reporters shall also cause to be delivered to each other person applying therefor a copy of any one or more of the said books in the previous section mentioned, upon the payment therefor by such person of such price as may be fixed by the chief justice of the supreme court, the said respective reporters and the Attorney General.

Sec. 101. ASSISTANTS OF REPORTERS—SALARIES—HOW FIXED.] For the performance of the work in this Act provided for said respective reporters may employ such number of assistants and other employes as the judges of the supreme court may deem necessary and the salaries of said assistants and employes shall be fixed by said judges.

Sec. 102. EXPENSES OF PRINTING, ETC., TO BE PAID OUT OF ATTORNEYS' FUND.] All expenses incurred in the printing, publication and distribution as aforesaid of the Illinois Reports New Series, of the Appellate Court Report New Series, of the indexes or digests and of the advance sheets thereof, as well as the salaries and compensation of the assistants and employes and necessary office and storage rent and other expenses, shall be paid out of the attorneys' fund hereinafter provided for. The said respective reporters shall keep, or cause to be kept, accurate accounts of all moneys received or paid out by them respectively in pursuance of the provisions of this Act, and such accounts shall be audited by some competent person under the direction of the supreme court semi-annually.

## AMENDMENT NO. 22.

Amend Part IX on pages 67 to 75, both inclusive, of the printed bill so that the same shall read as follows:

## PART IX.

## PUBLICATION AND DISTRIBUTION OF BOOKS.

| SECTION  | SECTION   |
|--|---|
| 103. Attorney to be appointed to prepare books—specification of books. | 111. Digest and lists to be printed and distributed by reporter.  |
| 104. Approval of judges of supreme court.                              | 112. Printing and distribution of other books.                    |
| 105. Books to be standard authority.                                   | 113. Sales and purchases of books.                                |
| 106. Paper, type, etc.   | 114. Public officer to deliver books to successor.                |
| 107. Attorney to be appointed to prepare digest.                       | 115. Printing and distribution of books, etc., to be by contract. |
| 108. Attorney to be appointed to prepare lists of cases.               | 116. Books to be copyrighted.                                     |
| 109. Paper, binding, etc.  | 117. Compensation for preparation of books.                       |
| 110. Certain cases not to be cited.                                    | 118. Attorneys employed to have assistance.                       |

Sec. 103. ATTORNEY TO BE APPOINTED TO PREPARE BOOKS -SPECIFICATION OF BOOKS.]

It shall be the duty of the Attorney General, as soon as may be practicable after the taking effect of this Act, to designate and appoint some competent attorney at law, whose duty it shall be, under the direction of the judges of the supreme court and subject to their approval, to prepare or cause to be prepared, to be thereafter printed and published as hereinafter provided, the following books:

*First*—FORMS IN COURTS OF RECORD.] A book, in such number of volumes as may appear to be necessary, containing the forms of orders, judgments, decrees and other record entries set forth in this Act and such additional forms of orders,

judgments, decrees and other record entries as may be in common use in the keeping of the records of courts of record and as may tend to facilitate and reduce the expense of the keeping of such records and as may tend to lead to uniformity with respect thereto in all courts of record, and also containing all abbreviations and abbreviated forms to be used in the keeping of the records of said courts.

*Second*—PRACTICE IN COURTS OF RECORD.] A book, in such number of volumes as may appear to be necessary, explanatory of the practice in courts of record of this State in all the various actions and proceedings, and laying down such rules respecting the trial of causes and the disposition of the business of the courts as are of application therein, and furnishing to judges of courts of record and to attorneys at law such information as will tend to facilitate the transaction of business in said courts and insure the prompt and proper disposition of causes therein. Said book shall also contain the forms of praecipes, statements of claims, affidavits, specifications of defenses, pleadings in actions of mandamus, actions of quo warranto, actions of habeas corpus, actions in equity, bonds, summonses, writs and other papers set forth in this Act, and such additional forms of such praecipes, statements of claims, and other papers as may be in common use in the proceedings of courts of record, and as may aid judges and attorneys at law in the speedy and proper transaction of business in such courts and tend to lead to uniformity of practice in all courts of record.

*Third*—PRACTICE BEFORE JUSTICES OF THE PEACE.] A book, in such number of volumes as may appear to be necessary, explanatory of the practice before justices of the peace. Said book shall also contain the forms of papers set forth in this Act and such additional forms as may be in common use in proceedings before justices of the peace, and all necessary forms of orders, judgments and docket entries which may be used in proceedings before justices of the peace, together with such other information as may tend to facilitate the proper transaction of business by justices of the peace.



Sec. 104. APPROVAL OF JUDGES OF SUPREME COURT.] Each book aforesaid, as soon as prepared and before the publication thereof, shall be submitted to the judges of the supreme court, whose duty it shall be to examine the same, and to suggest such changes therein or modifications thereof, if any, as they may deem necessary or expedient, and, if no such changes or modifications are deemed necessary or expedient, or if so deemed necessary or expedient, such changes or modifications are made, said judges shall sign a certificate of their approval thereof, which certificate shall be printed therein.

Sec. 105. BOOKS TO BE STANDARD AUTHORITY.] Every such book when so published shall be received in all the courts of this State as a standard authority upon questions of practice as well as of substantive law in the courts of this State.

Sec. 106. PAPER, TYPE, ETC.] The size, paper, type and binding of every such book shall be such as may be prescribed by the Attorney General.

Sec. 107. ATTORNEY TO BE APPOINTED TO PREPARE DIGEST.] It shall also be the duty of the Attorney General, as soon as may be practicable after the taking effect of this Act, to designate and appoint some competent attorney at law whose duty it shall be, under the direction of the judges of the supreme court and subject to their approval, to prepare or cause to be prepared, to be thereafter printed and published as hereinafter provided, a full and complete digest of the first two hundred and forty (240) volumes of the Illinois Reports and of the first one hundred and forty-five (145) volumes of the Appellate Court Reports, omitting therefrom all reference to the following opinions or parts of opinions:

*a*—OPINIONS NO LONGER APPLICABLE.] Those which are no longer applicable in the decision of questions of law in the courts of this State.

*b*—REPETITIONS OF PREVIOUS DECISIONS.] Those containing decisions on points of law which are decided with sufficient completeness and accuracy in some other opinion or opinions when such points of law are already set forth in such digest.

*c*—UNSOUND ARGUMENTS.] Those which contain arguments or suggestions which are unsound or are calculated to mislead.

Sec. 108. ATTORNEY TO BE APPOINTED TO PREPARE LISTS OF CASES.] It shall be the duty of the Attorney General, as soon as may be practicable after the taking effect of this Act, to designate and appoint some competent attorney at law whose duty it shall be, under the direction of the supreme court, to prepare full and complete lists of all of the decisions of the supreme court and of the appellate courts of this State as follows:

*a*—CASES STILL AUTHORITIES.] A list of cases which have not been modified, explained or overruled and which are still to be relied upon as authorities in the decision of questions of law arising in the courts of this State.

*b*—MODIFIED, EXPLAINED OR OVERRULED CASES.] A list of cases which have been modified, explained or overruled, in whole or in part, in which list the title of each case shall be followed by a statement fully explanatory of the extent to which the same has been modified, explained or overruled.

*c*—CASES NO LONGER AUTHORITY.] A list of cases which without being modified, explained or overruled by subsequent decisions have become no longer of binding authority, each of which cases shall be followed by a statement explanatory of the reason why the same is no longer of authority.

Sec. 109. PAPER, BINDING, ETC.] The paper, type and binding of the volumes of said digest and lists of cases shall be the same, as near as may be, as those of the Illinois Reports New Series, and the Appellate Court Reports New Series, and the digests thereof.

Sec. 110. CERTAIN CASES NOT TO BE CITED.] From and after the completion and publication of the said digest and lists of cases, no adjudged case decided by the supreme court of this State or of any appellate court of this State and not appearing either in the Illinois Reports, the Appellate Court Reports, the Illinois

Reports New Series, or in the Appellate Court Reports New Series, or in the advance sheets hereinbefore provided for, shall be cited or quoted from in any argument, whether oral, written or printed, in any court of this State, or received or treated by any court of this State as an authority or guide in respect to the determination of any question of law or fact.

Sec. 111. DIGEST AND LISTS TO BE PRINTED AND DISTRIBUTED.] The volumes of said digest and lists of cases hereinbefore provided for, from time to time as the same are prepared and approved, shall, under the superintendence of the supreme court, be printed and published and distributed and delivered free of charge to the same persons, institutions and libraries and in the same number as is provided in this Act with respect to the Illinois Reports New Series, the Appellate Court Reports New Series, and the advance sheets and indexes or digests thereof.

Sec. 112. PRINTING AND DISTRIBUTION OF OTHER BOOKS.] The remaining books hereinbefore provided for, from time to time as the same are prepared and approved, shall, under the superintendence of the supreme court, be printed and published and distributed and delivered free of charge, as follows:

*First*—SAME AS ILLINOIS REPORTS NEW SERIES—EXCEPTION.] To each person, institution or library to whom or to which the Illinois Reports New Series are required to be delivered, the same number of copies as there are to be delivered to such person, institution or library, copies of said Illinois Reports New Series: *Provided, however,* that there shall be delivered to each clerk of a court of record, for each deputy of such clerk, an additional copy of the book containing the forms of orders, judgments, decrees and other record entries and abbreviations and abbreviated forms to be used in the keeping of the records of courts of record.

*Second*—JUSTICES OF THE PEACE.] To every justice of the peace of this State one copy of the book explanatory of the practice before justices of the peace, together with forms of papers to be used in proceedings before them, and of orders, judgments and docket entries.

Sec. 113. SALES AND PURCHASES OF BOOKS.] There shall be delivered to every other person applying therefor a copy of any one or more of the books in the previous section provided for upon payment therefor by such person of such price as may be fixed by the chief justice of the supreme court, the reporters of the decisions of the supreme court and appellate courts and the Attorney General, and, for the purpose of supplying the demand which may arise, from time to time, for complete sets or single volumes of the Illinois Reports New Series, the Appellate Court Reports New Series, and the indexes and digests thereof, as well as of the other books hereinbefore provided for, the said reporters may cause to be purchased from the owners thereof such numbers of said books, when in good condition, as may, in the judgment of the chief justice of the supreme court, the Attorney General and said reporters of the decisions of the supreme court and appellate courts, be necessary, and at such prices as they may deem proper.

Sec. 114. PUBLIC OFFICER TO DELIVER BOOKS TO SUCCESSOR.] Every public officer to whom any one or more of the books hereinbefore provided for shall be delivered as aforesaid shall hold the same as a part of the books pertaining to his office, and upon the expiration of his term of office shall deliver over the same to his successor in office.

Sec. 115. PRINTING AND DISTRIBUTION OF BOOKS, ETC., TO BE BY CONTRACT.] The chief justice of the supreme court, the Attorney General and the reporters of the decisions of the supreme court and appellate courts shall procure the work of printing and distributing the books hereinbefore provided to be printed, published and distributed, and of caring for the stereotype, electrotypes or other plates thereof to be done by some responsible person, firm or corporation, at a price or prices which may be deemed by said chief justice of the supreme court, said Attorney General and said reporters to be reasonable and for such period as said chief justice, said Attorney General and said reporters may deem expedient: *Provided, however,*



that in case such work cannot be procured to be done by any such person, firm or corporation, at a price or prices which said chief justice, Attorney General and reporters deem reasonable, such work may be done under the supervision of said reporters, in such manner as said chief justice and Attorney General may direct.

Sec. 116. BOOKS TO BE COPYRIGHTED.] All books printed and published under the preceding provisions of this Act under the superintendence of the supreme court shall be copyrighted in the name of the person for the time being holding the office of Attorney General, and said officer shall hold the legal title thereto, and to all the property acquired by means of the attorneys' fund, in trust for the benefit of the attorneys at law from time to time authorized to practice in the courts of this State and resident therein and for the accomplishment of the purposes of this Act.

Sec. 117. COMPENSATION FOR PREPARATION OF BOOKS.] The attorneys at law designated and appointed to prepare, or cause to be prepared, the books hereinbefore provided for shall be liberally compensated for their labors in that behalf, such compensation to be fixed by the judges of the supreme court and the Attorney General and to be paid out of said attorneys' fund, the intention hereof being that the work to be performed shall be credible and first-class in every particular and that the compensation shall be commensurate therewith.

Sec. 118. ATTORNEYS EMPLOYED TO HAVE ASSISTANCE.] The said attorneys at law so appointed and designated as aforesaid shall also be furnished such assistance in the performance of their work as the judges of the supreme court and the Attorney General may deem necessary, the expense thereof to be paid out of the attorneys' fund aforesaid.

#### AMENDMENT NO. 23.

Amend section 148 by inserting a comma (,) after the word "also" in line 74 of said section on page 93 of the printed bill.

## AMENDMENT NO. 24.

Amend section 153 by striking out the words "Illinois Reports Condensed, Appellate Court Reports Condensed" in lines 15 and 16 of said section on page 96 of the printed bill.

## AMENDMENT NO. 24½.

Amend section 154 by inserting between "clerk" and "the" in line 7 of said section on page 97 of the printed bill the words "such sum as may be fixed by the supreme court not exceeding."

## AMENDMENT NO. 25.

Amend section 156 by striking out the word "FUNDS" in line 2 of said section on page 98 of the printed bill and inserting in lieu thereof the word "FUND."

## AMENDMENT NO. 26.

Amend section 156 by striking out of lines 6, 7, 8, 9 and 10 on page 99 of the printed bill the following words: "and of purchasing the copyrights, stereotype and other plates and unsold printed copies of the first two hundred and forty (240) volumes of Illinois Reports and one hundred and fifty (150) volumes of Appellate Court Reports, should the purchase of the same be deemed practicable and advisable."

## AMENDMENT NO. 27.

Amend section 161 by inserting a comma (,) after the word "plaintiff" in line 12 of said section on page 107 of the printed bill, and striking out the word "and" in said line and inserting in lieu of said word "and" the words "if the action be brought by the plaintiff in his own proper person, or."

Also amend said section 161 by inserting a comma (,) after the word "plaintiff" in line 20 of said section on page 107 of the printed bill and inserting in lieu thereof the words "if the action be brought by the plaintiff in his own proper person."

Also amend section 161 by inserting a comma (,) after the word "attorney" in line 21 of said section on page 107 of the printed bill and also inserting after said comma the words "if the action be brought by attorney."

#### AMENDMENT NO. 28.

Amend section 171 by striking out the letters "relpevin" in line 7 of said section on page 114 of the printed bill and inserting in lieu thereof the word "replevin."

#### AMENDMENT NO. 29.

Amend section 186 by inserting the word "the" between the word "by" and the word "filing" in line 4 of said section on page 121 of the printed bill.

#### AMENDMENT NO. 30.

Amend section 187 by inserting the word "the" between the word "by" and the word "filing" in line 2 of said section on page 121 of the printed bill.

#### AMENDMENT NO. 31.

Amend section 197 by striking out the word "shal" in line 16 of said section on page 126 of the printed bill and inserting in lieu thereof the word "shall."

## AMENDMENT NO. 32.

Amend section 197 by striking out the letters "ation" in line 50 of said section on page 127 of the printed bill and inserting in lieu thereof the word "action."

## AMENDMENT NO. 33.

Amend section 200 by striking out the word "amendable" in line 5 of said section on page 129 of the printed bill and inserting in lieu thereof the word "amenable."

## AMENDMENT NO. 34.

Amend section 207 by striking out the comma (,) after the word "corporation" in line 3 of said section on page 133 of the printed bill.

## AMENDMENT NO. 35.

Amend section 214 by striking out the word "the" immediately preceding the word "following" in line 22 of said section on page 140 of the printed bill.

## AMENDMENT NO. 36.

Amend section 229 by striking out the letters "pnish" in line 20 of said section on page 150 of the printed bill and inserting in lieu thereof the word "punish."

## AMENDMENT NO. 37.

Amend section 236 by inserting a comma (,) after the word "appear" in line 19 of said section on page 153 of the printed bill.



## AMENDMENT NO. 38.

Amend section 236 by inserting between the word "certificate" and the word "of" in line 29 of said section on page 154 of the printed bill the words "of the publisher that he has published and."

## AMENDMENT NO. 39.

Amend section 238 by striking out the word "AFFICAVIT" in line 61 of said section on page 161 of the printed bill and inserting in lieu thereof the word "AFFIDAVIT."

## AMENDMENT NO. 40.

Amend section 243 by inserting a comma (,) after the word "defendant" in line 29 of said section on page 165 of the printed bill and striking out the word "and" in said line and inserting in lieu thereof the words "if the defendant appears in his own proper person, or."

Also amend said section by inserting a comma (,) after the word "defendant" in line 33 of said section on page 165 of the printed bill and inserting immediately after said comma the words "if the defendant appears in his own proper person."

Also amend said section 243 by inserting a comma (,) after the word "attorney" in line 33 of said section on page 165 of the printed bill and inserting immediately after said comma the words "if the defendant appears by attorney."

## AMENDMENT NO. 41.

Amend section 249 by striking out the word "motion" in line 34 of said section on page 168 of the printed bill and inserting in lieu thereof the word "notice."

## AMENDMENT NO. 42.

Amend section 249 by striking out the word "intervenor's" in line 50 of said section on page 169 of the printed bill and inserting in lieu thereof the word "intervener's."

## AMENDMENT NO. 43.

Amend section 279 by striking out the letters "tral" in line 3 of said section on page 180 of the printed bill and inserting in lieu thereof the word "trial."

## AMENDMENT NO. 44.

Amend section 279 by striking out of lines 10 and 11 in said section on page 180 of the printed bill the words "in which the trial is had and for which said county."

## AMENDMENT NO. 45.

Amend section 282 by inserting a comma (,) after the word "same" in line 6 of said section on page 181 of the printed bill.

## AMENDMENT NO. 46.

Amend section 284 by striking out of line 174 on page 187 of the printed bill the letters "Jonn" and inserting in lieu thereof the word "John."

## AMENDMENT NO. 47.

Amend section 291 by striking out "revise" in line 6 of said section on page 192 of the printed bill and inserting in lieu thereof the word "devise."

## AMENDMENT NO. 48.

Amend section 296 by inserting before the words "or for abduction" in line 4 of said section on page 193 of the printed bill the words "or for a fine or penalty for the violation of a municipal ordinance."

## AMENDMENT NO. 49.

Amend section 296 by inserting after the word "action" in line 6 of said section on page 193 of the printed bill the word "accrued."

## AMENDMENT NO. 50.

Amend section 316 by striking out from line 4 of said section on page 199 of the printed bill the word "pendence" and inserting in lieu thereof the word "pendency."

## AMENDMENT NO. 51.

Amend section 325 by striking out the words "This Act" in line 1 of said section on page 201 of the printed bill and inserting in lieu thereof the words "The provisions of the preceding section."

## AMENDMENT NO. 52.

Amend section 327 by striking out of line 4 of said section on page 202 of the printed bill the word "sample" and inserting in lieu thereof the word "simple."

## AMENDMENT NO. 53.

Amend section 346 by inserting a comma (,) after the word "in" in line 5 of said section on page 211 of the printed bill.

## AMENDMENT NO. 54.

Amend section 358 by striking out the word "opposote" in line 2 of said section on page 215 of the printed bill and inserting in lieu thereof the word "opposite."

## AMENDMENT NO. 55.

Amend section 362 by inserting the word "third" between the word "clauses" and the word "fourth," the word "and" between the word "fifth" and the word "sixth" and striking out the words "and seventh" in line 62 of said section on page 219 of the printed bill.

## AMENDMENT NO. 56.

Amend section 363 by striking out the word "a" between the word "upon" and the word "receipt" in line 8 of said section on page 219 of the printed bill and inserting in lieu thereof the word "the."

## AMENDMENT NO. 57.

Amend section 374 by adding after the words "to him" in line 27 of said section on page 231 of the printed bill the words "unless the same is objected to by the party propounding such question or questions."



## AMENDMENT NO. 58.

Amend section 395 by inserting a comma (,) after the word "action" in line 46 of said section on page 241 of the printed bill.

## AMENDMENT NO. 59.

Amend section 400 by inserting a comma (,) after the word "thereof" in line 12 of said section on page 242 of the printed bill.

## AMENDMENT NO. 60.

Amend section 424 by striking out the word "damages" in line 394 of said section on page 268 of the printed bill and inserting in lieu thereof the word "damages."

## AMENDMENT NO. 61.

Amend section 424 by inserting the word "a" before the word "wagon" in line 395 of said section on page 268 of the printed bill.

## AMENDMENT NO. 62.

Amend section 424 by striking out the figure "1" in line 479 of said section on page 271 of the printed bill and inserting in lieu thereof the word "one."

## AMENDMENT NO. 63.

Amend section 425 by striking out the word "comlpy" in line 3 of said section on page 271 of the printed bill and inserting in lieu thereof the word "comply."

## AMENDMENT NO. 64.

Amend section 425 by striking out lines 20, 21 and 22 of said section on page 272 of the printed bill.

## AMENDMENT NO. 65.

Amend section 425 by striking out lines 58, 59 and 60 of said section on page 273 of the printed bill.

## AMENDMENT NO. 66.

Amend section 425 by striking out lines 111, 112, 113 and 114 of said section on page 275 of the printed bill.

## AMENDMENT NO. 67.

Amend section 425 by striking out lines 143, 144 and 145 of said section on page 276 of the printed bill.

## AMENDMENT NO. 68.

Amend section 427 by striking out lines 34, 35 and 36 of said section on page 278 of the printed bill.

## AMENDMENT NO. 69.

Amend section 437 by striking out the words "form and" in line 4 of said section on page 286 of the printed bill and inserting in lieu thereof the words "form in."

## AMENDMENT NO. 70.

Amend section 439 by striking out the word "the" in line 3 of said section on page 287 of the printed bill.

## AMENDMENT NO. 71.

Amend section 440 by striking out the word "the" in line 3 of said section on page 288 of the printed bill.

## AMENDMENT NO. 72.

Amend section 441 by striking out the word "the" between the word "in" and the word "abbreviated" in line 4 of said section on page 288 of the printed bill and inserting in lieu thereof the word "an."

## AMENDMENT NO. 73.

Amend section 442 by striking out the word "the" in line 2 of said section on page 288 of the printed bill.

## AMENDMENT NO. 74.

Amend section 445 by striking out the word "form" in line 2 of said section on page 290 of the printed bill and inserting in lieu thereof the word "forms."

## AMENDMENT NO. 75.

Amend section 445 by striking out the word "recognizances" in line 10 of said section on page 290 of the printed bill and inserting in lieu thereof the word "recognizance."

## AMENDMENT NO. 76.

Amend section 449 by striking out lines 17, 18, 19 and 20 of said section on page 296 of the printed bill.

## AMENDMENT NO. 77.

Amend section 449 by striking out the words "memoranda giving names, post-office addresses and places of business of defendants and also" in lines 53 and 54 of said section on page 297 of the printed bill.

## AMENDMENT NO. 78.

Amend section 449 by striking out lines 75, 76 and 77 of said section on page 298 of the printed bill.

## AMENDMENT NO. 79.

Amend section 449 by striking out lines 98, 99, 100, 101 and 102 of said section on page 299 of the printed bill.

## AMENDMENT NO. 80.

Amend section 468 by striking out lines 21, 22 and 23 of said section on page 313 of the printed bill.

## AMENDMENT NO. 81.

Amend section 474 by striking out lines 23, 24 and 25 of said section on page 320 of the printed bill.



## AMENDMENT NO. 82.

Amend section 477 by inserting a comma (,) after the word "paid" in line 3 of said section on page 321 of the printed bill.

## AMENDMENT NO. 83.

Amend section 498 by striking out the word "PROPERLY" and inserting in lieu thereof the word "PROPERTY" and by striking out the word "opon" and inserting the word "upon" in line 26 of said section on page 336 of the printed bill.

## AMENDMENT NO. 84.

Amend section 498 by striking out the word "recovered" in line 48 of said section on page 336 of the printed bill and inserting in lieu thereof the word "recover."

## AMENDMENT NO. 85.

Amend section 499 by striking out the word "expirtaion" in line 30 of said section on page 339 of the printed bill and inserting in lieu thereof the word "expiration."

## AMENDMENT NO. 86.

Amend section 500 by striking out the word "warant" in line 33 of said section on page 340 of the printed bill and inserting in lieu thereof the word "warrant."

## AMENDMENT NO. 87.

Amend section 513 by inserting a comma (,) after the word "garnishee" in line 11 of said section on page 348 of the printed bill.

## AMENDMENT NO. 88.

Amend section 524 by inserting after the word "writing" in line 6 of said section on page 353 of the printed bill the words "*Provided, however,* that in a criminal case the court shall not charge the jury orally if the defendant or his attorney shall object thereto prior to the commencement of the first argument to the jury after the close of the evidence."

## AMENDMENT NO. 89.

Amend section 524 by inserting after the word "*provided,*" in line 46 of said section, on page 354 of the printed bill, the words "*and, provided, further,* that in a criminal case the failure of the defendant attorney to point out an objection to the charge shall not preclude him from obtaining relief, upon a motion for a new trial in the court of original jurisdiction, or upon a writ of error in the supreme court, from any substantial error in the charge by which injustice has resulted to the defendant."

## AMENDMENT NO. 90.

Amend section 524 by striking out the word "ten" in line 52 of said section on page 355 of the printed bill and inserting in lieu thereof the word "twenty."

## AMENDMENT NO. 91.

Amend section 573 by inserting the word "and" between the word "law" and the word "upon" in line 4 of said section on page 373 of the printed bill.

## AMENDMENT NO. 92.

Amend section 613 by striking out the word "therein" in line 15 of said section on page 386 of the printed bill and inserting in lieu thereof the word "thereon."

## AMENDMENT NO. 93.

Amend section 641 by striking out the word "or" in line 2 of said section on page 397 of the printed bill and inserting in lieu thereof the word "nor."

## AMENDMENT NO. 94.

Amend section 663 by striking out the figures "1910" in line 109 of said section on page 409 of the printed bill and inserting in lieu thereof the figures "1908."

## AMENDMENT NO. 95.

Amend section 663 by striking out the word "acknoweldged" in line 182 of said section on page 411 of the printed bill and inserting in lieu thereof the word "acknowledged."

## AMENDMENT NO. 96.

Amend section 664 by striking out the word "count" and the comma (,) after the same in line 63 of said section on page 414 of the printed bill, and inserting in lieu thereof the word "county."

## AMENDMENT NO. 97.

Amend section 664 by striking out the word "or" in line 189 of said section on page 418 of the printed bill and inserting in lieu thereof the word "of."

## AMENDMENT NO. 98.

Amend section 684 by striking out the word "unless" in line 4 of said section on page 433 of the printed bill and inserting in lieu thereof the words "in case" and also by striking out the word "not" in line 5 of said section on page 433 of the printed bill.

## AMENDMENT NO. 99.

Amend section 686 by striking out the word "conseratorship" in line 17 of said section on page 435 of the printed bill and inserting in lieu thereof the word "conservatorship."

## AMENDMENT NO. 100.

Amend section 709 by striking out the word "bring" in line 4 of said section on page 442 of the printed bill and inserting in lieu thereof the word "brings."

## AMENDMENT NO. 101.

Amend section 715 by striking out the word "criminal" and inserting in lieu thereof the word "county" and by striking out the word "Cook" and inserting in lieu thereof the word "Will" in line 48 of said section on page 448 of the printed bill.

## AMENDMENT NO. 102.

Amend section 718 by striking out the words "personally be and" in line 59 of said section on page 451 of the printed bill and by inserting in said line between the word "appear" and the word "before" the words "in person or by attorney."



## AMENDMENT NO. 103.

Amend section 721 by striking out the comma (,) after the word “until” in line 4 of said section on page 452 of the printed bill.

## AMENDMENT NO. 104.

Amend section 732 by inserting the words “forms of” between the word “following” and the word “bills” in line 1 of said section on page 460 of the printed bill.

## AMENDMENT NO. 105.

Amend section 734 by striking out the word “limitation” and inserting in lieu thereof the word “limitations” in line 27 of said section on page 479 of the printed bill.

## AMENDMENT NO. 106.

Amend section 741 by striking out the word “subsequent” and inserting in lieu thereof the word “subsequent” in line 40 of said section on page 483 of the printed bill.

## AMENDMENT NO. 107.

Amend section 742 by striking out the word “allegation” and inserting in lieu thereof the word “allegations” in lines 11 and 12 of said section on page 484 of the printed bill.

## AMENDMENT NO. 108.

Amend section 789 by striking out the word "of" between the word "devise" and the word "descent" in line 3 of said section on page 514 of the printed bill and inserting in lieu thereof the word "or."

## AMENDMENT NO. 109.

Amend section 850 by inserting the word "the" between the word "before" and the word "granting" in line 7 of said section on page 531 of the printed bill.

## AMENDMENT NO. 110.

Amend section 852 by inserting a comma (,) after the word "circular" in line 3 of said section on page 531 of the printed bill.

## AMENDMENT NO. 111.

Amend section 860 by inserting the word "said" between the word "against" and the word "John" in line 32 of said section on page 536.

## AMENDMENT NO. 112.

Amend section 864 by striking out the word "summons" between the word "and" and the word "is" in line 26 of said section on page 540 of the printed bill and inserting in lieu thereof the words "injunction order."

## AMENDMENT NO. 113.

Amend section 887 by striking out the word "considred" and inserting the word "considered" in lieu thereof in line 16 of said section on page 552 of the printed bill.

## AMENDMENT NO. 114.

Amend section 890 by inserting the word "to" between the word "plaintiffs" and the word "execute" in line 10 on page 555 of the printed bill.

## AMENDMENT NO. 115.

Amend section 900 by inserting after the word "reasonable" in line 42 of said section on page 561 of the printed bill the words "and *provided, further*, that as to so much of the property embraced in the receivership as consists of real estate the commission shall be computed upon the rental value thereof during the pendency of the receivership "

## AMENDMENT NO. 116.

Amend section 901 by striking out the word "therfor" in line 12 of said section on page 562 of the printed bill and inserting in lieu thereof the word "therefor."

## AMENDMENT NO. 117.

Amend section 952 by striking out the word "herein" and inserting in lieu thereof the word "therein" in line 6 of said section on page 589 of the printed bill.

## AMENDMENT NO 118.

Amend section 975 by inserting a comma (,) after the word "state" and a semi-colon (;) after the word "known" in line 13 of said section on page 597 of the printed bill

## AMENDMENT NO. 119.

Amend section 998 by striking out the word “dependant” and inserting in lieu thereof the word “dependent” in line 10 of said section on page 669 of the printed bill.

## AMENDMENT NO. 120.

Amend section 1025 by striking out the word “section” in line 3 of said section on page 633 of the printed bill and inserting in lieu thereof the word “Act.”

## AMENDMENT NO. 121.

Amend section 1077 by striking out the words “Joe Doe” in line 11 of said section on page 684 of the printed bill and inserting in lieu thereof the words “John Doe.”

## AMENDMENT NO. 122.

Amend section 1081 by inserting a comma (,) after the word “thereon” in line 5 of said section on page 688 of the printed bill.

## AMENDMENT NO. 123.

Amend section 1085 by striking out the word “action” and inserting in lieu thereof the word “section” in line 31 of said section on page 691 of the printed bill.

## AMENDMENT NO. 124.

Amend section 1094 by striking out the semi-colon (;) after the word “drunkard” and inserting in lieu thereof a comma (,) in line 16 of said section on page 696 of the printed bill.



## AMENDMENT NO. 125.

Amend section 1167 by striking out the words "and appraisements" in line 7 of said section on page 726 of the printed bill.

## AMENDMENT NO. 126.

Amend section 1198 by inserting after the words "the same is issued" in line 11 of said section on page 739 of the printed bill the words "and the method of serving any such summons or other papers shall be the same as that prescribed by this Act for the service of other similar papers."

## AMENDMENT NO. 127.

Amend section 1209 by striking out the word "makes" in line 10 of said section on page 743 of the printed bill and inserting in lieu thereof the word "make."

## AMENDMENT NO. 128.

Amend section 1216 by striking out the words "and states" in line 21 of said section on page 751 of the printed bill and inserting in lieu thereof the words "and estates."

## AMENDMENT NO. 129.

Amend the index to Part I by inserting between the index of section 1262 and that of section 1264 on page 762 of the printed bill the following:

"1263. Bond—additional bonds—counter security—action on bond—form of bond."

## AMENDMENT NO. 130.

Amend section 1262 by striking out the word "six" and inserting in lieu thereof the word "twelve" in line 2 of said section on page 765 of the printed bill.

## AMENDMENT NO. 131.

Amend section 1263 by inserting a comma (,) after the word "be" in line 10 of said section on page 766 of the printed bill.

## AMENDMENT NO. 132.

Amend section 1267 by striking out the period (.) after the word "persons" in line 10 of said section on page 763 of the printed bill and inserting in lieu thereof a colon (:).

## AMENDMENT NO. 133.

Amend section 1297 by inserting between the word "country" and the word "may" in line 5 of said section on page 775 of the printed bill the words "when no conservator for such person has been appointed in this State."

## AMENDMENT NO. 134.

Amend section 1306 by striking out the word "that" in line 31 of said section on page 780 of the printed bill.

## AMENDMENT NO 135.

Amend section 1329 by inserting a comma (,) after the word "cause" in line 6 of said section on page 791 of the printed bill.

## AMENDMENT NO. 136.

Amend section 1390 by striking out the word "herby" and inserting in lieu thereof the word "hereby" in line 1 of said section on page 821 of the printed bill.

## AMENDMENT NO. 137.

Amend section 1405 by striking out the word "prefer" in line 5 of said section on page 828 of the printed bill and inserting in lieu thereof the word "prepare."

## AMENDMENT NO. 138.

Amend section 1413 by striking out the words "of forethought" and inserting in lieu thereof the word "aforethought" in line 16 of said section on page 833 of the printed bill.

## AMENDMENT NO. 139.

Amend section 1414 by inserting the word "the" in place of the word "an" between the word "of" and the word "offense" in line 2 of said section on page 833 of the printed bill.

## AMENDMENT NO. 140.

Amend section 1449 by inserting after the words "the jury shall" in line 3 of said section on page 850 of the printed bill the words "render their verdict," and the court shall pronounce sentence, in such manner and form as may be required by the laws in force from time to time regulating the rendering of such verdict and the pronouncing of such judgment in such case, or, in the absence of any such law or laws, the jury shall."

## AMENDMENT NO. 141.

Amend section 1451 by striking out the word “of” in line 29 of said section on page 852 and inserting in lieu thereof the word “or.”

## AMENDMENT NO. 142.

Amend section 1484 by striking out the comma (,) between the word “actions” and the word “commenced” in line 6 of said section on page 871 of the printed bill.

## AMENDMENT NO. 143.

Amend section 1492 by inserting a comma (,) after the word “plaintiff” in line 6 of said section on page 881 of the printed bill.

## AMENDMENT NO. 144.

Amend section 1492 by striking out the word “here” and inserting in lieu thereof the word “there” in line 65 of said section on page 883 of the printed bill.

## AMENDMENT NO. 145.

Amend section 1492 by striking out the word “defendant” and inserting in lieu thereof the word “defendants” in line 7 of said section on page 883 of the printed bill.

## AMENDMENT NO. 146.

Amend section 1498 by striking out the comma (,) after the word “obligation” in line 41 of said section on page 889 of the printed bill.



## AMENDMENT NO. 147.

Amend section 1550 by striking out the word "court" in line 8 of said section on page 919 of the printed bill and inserting in lieu thereof the word "justice."

## AMENDMENT NO. 148.

Amend section 1588 by inserting a comma (,) after the word "capacity" in line 5 of said section on page 935 of the printed bill.

## AMENDMENT NO. 149.

Amend section 1588 by striking out the word "LEVY" and inserting in lieu thereof the word "LEVIED" in line 32 of said section on page 936 of the printed bill.

## AMENDMENT NO. 150.

Amend section 1638 by inserting a comma (,) after the word "jail" in line 3 of said section on page 963 of the printed bill.

## AMENDMENT NO. 151.

Amend section 1642 by striking out the word "as" and inserting in lieu thereof the word "is" in line 9 of said section on page 966 of the printed bill.

## AMENDMENT NO. 152.

Amend section 1645 by inserting a comma (,) after the word "Will" in line 15 of said section on page 969 of the printed bill.

## AMENDMENT NO. 153.

Amend section 1646 by striking out the figures “\$500” and inserting in lieu thereof the figures “\$100” in line 24 of said section on page 970 of the printed bill.

## AMENDMENT NO. 154.

Amend section 1655 by striking out the word “record” and inserting in lieu thereof the word “minute” in line 3 of said section on page 977 of the printed bill.

## AMENDMENT NO. 155.

Amend section 1667 by striking out the words “OF WATER CRAFT” in line 12 of said section on page 983 of the printed bill.

## AMENDMENT NO. 156.

Amend section 1667 by striking out the comma (,) after the word “return” in line 26 of said section on page 983 of the printed bill.

## AMENDMENT NO. 157.

Amend section 1667 by striking out the word “issued” partly in line 48 and partly in line 49 of said section on page 984 of the printed bill.

## AMENDMENT NO. 158.

Amend section 1670 by striking out the word “complaint” and inserting in lieu thereof the words “statement of claim” wherever the said word “complaint” appears in said section on page 989 of the printed bill.

## AMENDMENT NO. 159.

Amend section 1672 by striking out the word "defendant" and inserting in lieu thereof the word "defending" in line 24 of said section on page 991 of the printed bill.

## AMENDMENT NO. 160.

Amend section 1673 by inserting between the word "of" and the word "the" in line 12 of said section on page 992 of the printed bill the words "possession of."

## AMENDMENT NO. 161.

Amend section 1673 by inserting after the word "appeal," in line 14 of said section, on page 992 of the printed bill, the words, "and in case of an appeal from a judgment for the possession of property, real or personal, or for the performance of any act, also damages or rent for the detention of such possession, or for non-performance of such act, as the case may be, during the time of the pendency of or because of such appeal."

## AMENDMENT NO. 162.

Amend section 1683 by inserting the word "justices" for the word "justice," in line 2 of said section, on page 1001 of the printed bill.

## AMENDMENT NO. 163.

Amend section 1688 by inserting the word "as" between the first quotation mark (") and the word "defendant," in line 28 of said section, on page 1006 of the printed bill.

## AMENDMENT NO. 164.

Amend section 1689 by inserting the words "on Monday" between the word "county" and the word "the," in line 16 of said section, on page 1006 of the printed bill.

## AMENDMENT NO. 165.

Amend section 1703 by striking out the word "this," in line 21 of said section, on page 1014 of the printed bill, and inserting in lieu thereof the word "the."

## AMENDMENT NO. 166.

Amend section 1707 by striking out the period (.) after the words "case may be," in line 6 of said section, on page 1016 of the printed bill, and inserting in lieu thereof a comma (,) and adding the words, "and in any criminal case any ruling of the court by which manifest injustice has been done to the defendant shall be subject to such review by the Supreme Court, notwithstanding no objection may appear to have been made thereto by or on behalf of the defendant."

## AMENDMENT NO. 167.

Amend section 1715 by inserting between the word "death" and the word "sickness," in line 3 of said section, on page 1018 of the printed bill, the words, "resignation, expiration of term of office."

## AMENDMENT NO. 168.

Amend section 1731 by inserting "of" between "taking" and "an," in line 16 of said section, on page 1028 of the printed bill.



## AMENDMENT NO. 169.

Amend section 1731 by inserting the word "of" between the word "taking" and the word "an." in line 16 of said section, on page 1028 of the printed bill, and by striking out the word "*superior*" and inserting in lieu thereof the word "*supreme*," in line 32 of said section, on page 1029 of the printed bill.

## AMENDMENT NO. 170.

Amend section 1733 by inserting between the words "delivery of" and the words "the property," in line 11 of said section, on page 1030 of the printed bill, the words "possession of."

## AMENDMENT NO. 171.

Amend section 1733 by inserting after the words "prosecuting such appeal," in line 14 of said section, on page 1030 of the printed bill, the words, "and in case of an appeal from an order, judgment or decree for the possession of property, real or personal, or for the performance of any act, also damages or rent for the detention of such possession, or for the non-performance of such act, as the case may be, during the time of the pendency of or because of such appeal."

## AMENDMENT NO. 172.

Amend section 1738 by striking out the word "any," in line 2 of said section, on page 1032 of the printed bill, and inserting in lieu thereof the word "an."

## AMENDMENT NO. 173.

Amend section 1741 by striking out the word "on" and inserting in lieu thereof the word "or," in line 2 of said section, on page 1034 of the printed bill.

## AMENDMENT NO. 174.

Amend section 1775 by inserting the word "of" between the word "into" and the word "a," in line 26 of said section, on page 1059 of the printed bill.

## AMENDMENT NO. 175.

Amend section 1808 by striking out the word "appear," in line 2 of said section, on page 1089 of the printed bill, and inserting in lieu thereof the word "appeal."

## AMENDMENT NO. 176.

Amend section 1809 by striking out the word "two" and inserting in lieu thereof the words "three or more," in line 8 of said section, on page 1090 of the printed bill.

## AMENDMENT NO. 177.

Amend section 1819 by striking out the words, "and shall, within said time, deliver a copy thereof to the official reporter of said court," in lines 6 and 7; the words, "and within the same time deliver a copy thereof to said official reporter," in lines 10 and 11; the words, "and a copy thereof delivered within said time to said official reporter," in lines 14 and 15, and the words, "and the giving of notice of such extension to said official reporter within said twenty-five days," in lines 16, 17 and 18 of said section, on page 1094 of the printed bill.

## AMENDMENT NO. 178.

Amend section 1820 by striking out the comma (,) after the word "same," in line 4 of said section, on page 1095 of the printed bill.

## AMENDMENT NO. 179.

Amend section 1837 by striking out the word "of," in line 15 of said section, on page 1105 of the printed bill, and inserting in lieu thereof the word "or."

## AMENDMENT NO. 180.

Amend section 1839 by striking out the words, "published and distributed by the supreme," in line 19 of said section, on page 1105 of the printed bill, and inserting in lieu thereof the words, "prepared and, when approved by the;" and also by striking out the words, "to be prepared and, when approved by the court reporter," in lines 20 and 21 of said section, on page 1106 of the printed bill, and inserting in lieu thereof the words, "to be published and distributed by the Supreme Court reporter."

## AMENDMENT NO. 181.

Amend section 1842 by striking out the word "affffidavit," and inserting in lieu thereof the word "affidavit," in line 129 of said section, on page 1110 of the printed bill.

## AMENDMENT NO. 182.

Amend section 1851 by striking out the word "appeal," in line 9 of said section, on page 1120 of the printed bill, and inserting in lieu thereof the word "appealed."

## AMENDMENT NO. 183.

Amend section 1862 by inserting the words "record of" between the word "of" and the word "original," in line 2 of said section, on page 1125 of the printed bill.

## AMENDMENT NO. 184.

Amend section 1862 by inserting the word "*pleadings*" in lieu of the word "*Petition*," being the second word in line 4 of said section, and also by inserting the word "pleadings" in lieu of the word "petition," being the fourth word of said line 4, and also the word "parties" in lieu of the word "plaintiff," in said line 4 of page 1125 of the printed bill.

## AMENDMENT NO. 185.

Amend section 1866 by striking out the word "of" between the word "order" and the word "appointing," in line 7 of said section, on page 1128 of the printed bill.

## AMENDMENT NO. 186.

Amend section 1867 by inserting a comma (,) after the word "and," in line 7 of said section, on page 1129 of the printed bill.

## AMENDMENT NO. 187.

Amend section 1873 by striking out the word "validity," in line 4 of said section, on page 1131 of the printed bill, and inserting in lieu thereof the word "in validity."

## AMENDMENT NO. 188.

Amend section 1891 by striking out the comma (,) after the word "action," in line 11 of said section, on page 1138 of the printed bill.



## AMENDMENT NO. 189.

Amend section 1896 by inserting the words "COURTS OF" between the word "OF" and the word "RECORD" in line 1 of said section on page 1140 of the printed bill.

## AMENDMENT NO. 190.

Amend section 1899 by inserting the words "SPECIAL ORDER BOOK" before the word "JUDGMENT" in line 14 of said section on page 1146 of the printed bill.

## AMENDMENT NO. 191..

Amend section 1902 by striking out the word "bailiff's" in line 96 of said section on page 1151 of the printed bill and inserting in lieu thereof the word "bailiff."

## AMENDMENT NO. 192.

Amend section 1903 by inserting the word "DECREE" between the word "MAINTENANCE" and the word "BOOK" in line 38 of said section on page 1152 of the printed bill.

## AMENDMENT NO. 193.

Amend section 1906 by inserting the word "indictment" before the word "information" in line 46 of said section on page 1157 of the printed bill.

## AMENDMENT NO. 194.

Amend section 1907 by striking out the word "the" between the word "or" and the word "involved" in line 59 of said section on page 1160 of the printed bill and inserting in lieu thereof the word "fact."

## AMENDMENT NO. 195.

Amend section 1910 by striking out the word "ACTIONS" in line 2 of said section on page 1161 of the printed bill and inserting in lieu thereof the word "SECTIONS."

## AMENDMENT NO. 196.

Amend section 1914 by striking out the word "pudgment" in line 5 of said section on page 1162 of the printed bill and inserting in lieu thereof the word "judgment."

## AMENDMENT NO. 197.

Amend section 1917 by striking out the word "persons" in line 8 of said section on page 1163 of the printed bill and inserting in lieu thereof the word "person."

## AMENDMENT NO. 198.

Amend section 1920 by striking out the word "said" in line 7 of said section on page 1166 of the printed bill and inserting in lieu thereof the word "such."

## AMENDMENT NO. 199.

Amend section 1920 by striking out the letters "tbove" in line 161 of said section on page 1170 of the printed bill and inserting in lieu thereof the word "above."

## AMENDMENT NO. 200.

Amend section 1921 by inserting the words "OR STATE REFORMATORY" between the word "PENITENTIARY" and the word "SENTENCE" in line 12, the words "or

State reformatory” between the word “penitentiary” and the word “and” in line 13, the words “or State reformatory” between the word “penitentiary” and the word “and” in line 14 and the words “or State reformatory” between the word “penitentiary” and the word “in” in line 17 of said section on page 1178 of the printed bill.

#### AMENDMENT NO. 201.

Amend section 1923 by striking out the words “or any directions to any process” between the word “process” and the word “or” in line 5 of said section on page 1182 of the printed bill.

#### AMENDMENT NO. 202.

Amend section 1923 by inserting the words “or to the superintendent of the State reformatory” between the word “correction” and the word “or” in line 3 of said section on page 1183 of the printed bill.

#### AMENDMENT NO. 203.

Amend section 1926 by striking out the word “any” before the word “criminal” in line 2 of said section on page 1186 of the printed bill.

#### AMENDMENT NO. 204.

Amend section 1926 by inserting the letter “p” before the letters “oration” at the beginning of line 8 of said section on page 1186 of the printed bill.

## AMENDMENT NO. 205.

Amend section 1926 by striking out all of line 9 of said section on page 1186 of the printed bill prior to the word "or" and inserting in lieu thereof the words "purpose, but the right of such county."

## AMENDMENT NO. 206.

Amend section 1929 by inserting the abbreviation "sa" in lieu of the abbreviation "se" in line 86 of said section on page 1189 of the printed bill.

## AMENDMENT NO. 207.

Amend section 1930 by inserting the abbreviation "Praec" in lieu of the abbreviation "Prae" in line 8 of said section on page 1200 of the printed bill.

## AMENDMENT NO. 208.

Amend section 1932 by inserting the abbreviation "Deflt" in place of the abbreviation "deft" at the beginning of line 197 of said section on page 1213 of the printed bill.

## AMENDMENT NO. 209.

Amend section 1935 by inserting "master" in place of "maser," in line 101 of said section, on page 1228 of the printed bill.

## AMENDMENT NO. 210.

Amend section 1935 by inserting the abbreviation "rep" in place of the abbreviation "ret," in line 201 of said section, on page 1230 of the printed bill.



## AMENDMENT NO. 211.

Amend section 1936 by changing the abbreviations in the form on page 1231 of the printed bill, in the line thereof opposite the date "Feb. 15," so that the same shall read, "Deft's app spec defs & aff mer fdd."

## AMENDMENT NO. 212.

Amend section 1937 by inserting "Richard" in place of "Richark," in the second line of the form on page 1232 of the printed bill, and also by substituting for the abbreviation "admr," wherever the same may be found in said form, the abbreviation "admr."

## AMENDMENT NO. 213.

Amend section 1944 by inserting the word "of" for the word "or" between the word "record" and the word "original," in line 3 of said section, on page 1236 of the printed bill.

## AMENDMENT NO. 214.

Amend section 1944 by striking out "\$" and inserting in lieu thereof "\$2" in line 42 of said section, on page 1239 of the printed bill.

## AMENDMENT NO. 215.

Amend section 1944 by inserting the words "which would be" between the word "costs" and the word "otherwise," in line 68 of said section, on page 1240 of the printed bill, and by striking out the words "as provided by clause nine of this section," in lines 68 and 69 of said section, on page 1240 of the printed bill and inserting in lieu thereof the words "in accordance with the provisions of this Act."

## AMENDMENT NO. 216.

Amend section 1944 by inserting the words "which would be" after the word "costs," in line 73 of said section, on page 1241 of the printed bill, and by striking out all of line 74 in said section, on page 1241 of the printed bill after the word "payable" and inserting in lieu thereof the words, "in accordance with the provisions of this Act."

## AMENDMENT NO. 217.

Amend section 1946 by striking out the word "and" in line 11 of said section, on page 1242 of the printed bill, and inserting in lieu thereof the word "and."

## AMENDMENT NO. 218.

Amend section 1953 by inserting "separate" in place of the word "esparate," and the word "given" in place of the word "giving," in line 36 of said section, on page 1247 of the printed bill.

## AMENDMENT NO. 219.

Amend section 1953 by inserting "class" in place of "slass," in line 84 of said section, on page 1248 of the printed bill.

## AMENDMENT NO. 220.

Amend section 1955 by inserting the words "an additional" in place of the word "the," before the word "sum," in line 9 of said section, on page 1249 of the printed bill.

## AMENDMENT NO. 221.

Amend section 1956 by inserting the words "an additional" before the word "sum," in line 9 of said section, on page 1249 of the printed bill, and by striking out the word "the" before said word "sum," in said line.

## AMENDMENT NO. 222.

Amend section 1979 by striking out the word "or," in line 8 of said section, on page 1263 of the printed bill, and inserting in lieu thereof the word "of."

## AMENDMENT NO. 223.

Amend section 1979 by inserting the words "on the" in place of the word "in," at the commencement of line 63 of said section, on page 1265 of the printed bill.

## AMENDMENT NO. 224.

Amend section 1985 by striking out the word "of" before the word "steno graphic," in line 7 of said section, on page 1270 of the printed bill.

## AMENDMENT NO. 225.

Amend section 1985 by inserting a comma (,) after the word "dictated," in line 23 of said section, on page 1271 of the printed bill.

## AMENDMENT NO. 226.

Amend section 1988 by inserting a semicolon (;) in place of a comma (,) after the word "route," in line 22 of said section, on page 1276 of the printed bill.

## AMENDMENT NO. 227.

Amend section 1995 by inserting the word "and" in place of the word "or," at the commencement of line 6 of said section, on page 1279 of the printed bill.

## AMENDMENT NO. 228.

Amend section 2016 by inserting "judgment" in place of "pudgment" in line 16 of said section, on page 1294 of the printed bill.

## AMENDMENT NO. 229.

Amend section 2016 by inserting "such" in place of "usch," in line 55 of said section, on page 1295 of the printed bill.

## AMENDMENT NO. 230.

Amend section 2028 by inserting the word "words" in place of "fords," in line 7 of said section, on page 1301 of the printed bill.

## AMENDMENT NO. 231.

Amend section 2031 by inserting after the words "appropriate proceeding." in line 12 of said section, on page 1302 of the printed bill, the words, "and in every criminal case it shall be the duty of both the court of original jurisdiction and of the Supreme Court to set aside a judgment of conviction whenever the court shall be satisfied the defendant has not received a fair and impartial trial, because of the negligence, misconduct or ignorance of the defendant's attorney."



## AMENDMENT NO. 232.

Amend section 2033 by inserting "all" in place of "the" and "Acts" in place of "Act," in line 36 of said section, on page 1304 of the printed bill.

## AMENDMENT NO. 233.

Amend section 2033 by inserting "acts" in place of "actions," in line 172 of said section, on page 1309 of the printed bill.

## AMENDMENT NO. 234.

Amend section 2034 by striking out the comma (,) after the word "May," in line 202 of said section, on page 1310, of the printed bill.

## AMENDMENT NO. 235.

Amend section 734 by striking out "accept" and inserting in lieu thereof "except," in line 17 of said section, on page 479 of the printed bill.

## AMENDMENT NO. 236.

Amend section 734 by striking out "for," between "section" and "time," and inserting in lieu thereof "the," in line 24 of said section, on page 479 of the printed bill.

## AMENDMENT NO. 237.

Amend section 784 by striking out "or," between "order" and "reference," in line 2 of said section, on page 510 of the printed bill, and inserting "of" in lieu thereof.

## AMENDMENT NO. 238.

Amend section 924 by inserting "plaintiff" in place of "defendant" and "defendant" in place of "plaintiff," in line 19 of said section, on page 576 of the printed bill.

## AMENDMENT NO. 239.

Amend section 2032 by striking out all of said section after the word "act," in line 9 thereof, on page 1302 of the printed bill.

## AMENDMENT NO. 240.

Amend section 1418 by inserting between "amenable" and "in," in line 4 of said section, on page 837 of the printed bill, the words "in any matter of form."

## AMENDMENT NO. 241.

Amend section 1842 by striking out the words, "or any question as to the validity of any indictment or information in any criminal action," in lines 6 and 7 of said section, on page 1111 of the printed bill, and also by striking out the words, "in respect to the construction of this Act, or any portion thereof, or any question," in lines 4 and 5 of said section, on page 1111 of the printed bill.

## AMENDMENT NO. 242.

Amend section 137 by striking out the words "attachment bond, forthcoming bond, replevin bond" and "injunction bond," in line 6 of said section, on page 84 of the printed bill, and also by striking out the words, "or other bond or obligation which such attorney at law may deem it necessary or expedient to execute and file in the course of the prosecution or defense of such action," in lines 7, 8 and 9 of the printed bill.

## AMENDMENT NO. 243.

Amend section 308 by striking out all of line 6 of said section, on page 197 of the printed bill, after the words "such action;" also by striking out all of line 7 of said section, on page 197 of the printed bill, and also by striking out all of lines 8, 9, 10, 11 and 12 of said section, on page 198 of the printed bill, and inserting in lieu thereof the words, "provided it shall appear to the satisfaction of the court that such amendment is made in good faith and for the purpose of enabling the plaintiff to maintain his action for the claim for which it was intended to be brought, and that the application of the statute of limitations to such amendment would work a manifest denial of justice."

## AMENDMENT NO. 244.

Amend section 1844 by inserting after the word "*prescribed*," in lines 1 and 2 of said section, on page 1112 of the printed bill, a dash (—) and the words, "power of Supreme Court to alter rules of practice," and also by adding after "Act." in line 24 of said section, on page 1112 of the printed bill, the following: "And the Supreme Court shall also have power, from time to time, as the court may deem expedient, by rules to be adopted by the court, to make such alterations and changes in and additions to the rules of practice prescribed by this Act, as may appear to the court to be needful to secure a prompt and proper determination of actions and proceedings in the courts of this State, according to the very right and justice thereof."

## AMENDMENT NO. 245.

Amend section 363 by striking out lines 87 to 101, both inclusive, of said section on page 222 of the printed bill, and by striking out lines 102 to 130, both inclusive, of said section, on page 223 of the printed bill.

## AMENDMENT NO. 246.

Amend section 184 by striking out lines 13 to 19 both inclusive thereof on page 116 of the printed bill and insert in lieu thereof the following:

*Second*—WHEN VERDICT NOT TO BE SET ASIDE.] The verdict of a jury in an action in which either party is entitled to a trial by jury as a matter of right, other than a criminal action, shall not be set aside because the same may appear to the Supreme Court or Appellate Court to be contrary to the evidence, unless the evidence preserved in the report of the proceedings settled and signed by the presiding judge is such that to permit the verdict to stand would result in a miscarriage of justice.



- 1 Reported from Senate March 18, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 72 of an Act entitled "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 72 of an Act entitled "An Act in regard to the administration of estates," approved April 1, 1871, in force July 1, 1872, be and the same is hereby amended to read as follows:

5       Sec. 72. When an executor or administrator has a demand against his  
6 testator or intestate's estate, or when *such estate has a demand, claim or cause*  
7 *of action against such executor or administrator, the court shall appoint some dis-*  
8 *creet person, administrator ad litem, who shall appear for said estate in such*  
9 *matter and shall for such purpose have the same power as a regular admin-*  
10 *istrator.*

11       *The court shall fix the compensation of said administrator ad litem and*  
12 *may require bond if necessary.*



- 1 Reported from Senate March 18, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to extend the jurisdiction of Probate courts and county courts having Probate jurisdiction so to include the complete administration of testate estates.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That original jurisdiction is hereby conferred upon  
3 Probate Courts and County Courts in counties where no Probate Courts are  
4 now, or may hereafter be established according to law, to supervise and control  
5 all testamentary trusts created by original wills of deceased persons proved and  
6 admitted to probate in such court. The jurisdiction hereby conferred shall in-  
7 clude the appointments and removals of trustees, the issuing of letters of trus-  
8 teeship to such trustees, the fixing and approving of their bonds and the settle-  
9 ment of their accounts; and in regard thereto said court shall have and exercise  
10 full chancery powers.

Sec. 2. The practice in such matters of testamentary trusts in probate  
2 or county courts as herein provided shall be as nearly as may be analagous to

3 that now existing in the probate and settlement of testate estates. The court  
4 shall have power, in a summary manner, to require the filing of accounts of  
5 testamentary trustees and to enforce all orders in relation thereto by citation  
6 or attachment in the same manner as is now provided by law in case of exec-  
7 utors and administrators.

Sec. 3. The supervision and control of testamentary trusts vested by this  
2 Act in Probate Courts and County Courts in counties where no Probate Courts  
3 are now, or may hereafter be established according to law, shall extend to and  
4 include the power in such courts to order the sale of real estate to which any  
5 testator has claim or title, or such part thereof as may be necessary, for the  
6 payment of legacies or other charges made thereon by the testator, and in case  
7 where the court shall find it necessary or expedient for the complete execution  
8 of the will of the testator and the equitable distribution of his estate in accord-  
9 ance therewith, that such real estate or part thereof be sold. In the exercise of  
10 this power such courts shall proceed, as near as may be, in conformity with the  
11 procedure established by law for the sale of real estate to pay debts in court  
12 having probate jurisdiction.

Sec. 4. All such sales of real estate shall be made, and conveyance exe-  
2 cuted for the same by the executor, administrator with the will annexed, or  
3 testamentary trustee applying for such order, and shall be valid and effectual  
4 against the heirs and devisees of such testator, and all other persons claim-  
5 ing by, through or under him or them. In case of the death of the executor, ad-  
6 ministrator with the will annexed or testamentary trustee applying for an  
7 order of sale before conveyance is made, his successor shall proceed in the  
8 premises and make conveyance in the same manner as if he had originally ap-  
9 plied for such order, which conveyance shall be good and valid.

Sec. 5. The clerks of the Probate and County Courts having probate jurisdic-  
2 tion shall be entitled to take fees as are now, or hereafter may be, authorized by



3 law for like service in the matter of the estates of deceased persons, but no docket  
4 fee shall be charged against any estate so held in trust where the original estate  
5 when probated was charged and paid a docket fee as provided by law.

Sec. 6. Nothing in the Act contained shall be construed as repealing any  
2 of the provisions of an Act entitled "An Act concerning land titles," ap-  
3 proved and in force May 1, 1897, nor any of the provisions of an Act entitled  
4 "An Act to amend section seven (7) and eighteen (18) of an Act entitled 'An  
5 Act concerning land titles,' approved and in force May 1, 1897," approved May  
6 18, 1903, and in force July 1, 1903.



1 Reported from Senate, April 30, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 13 of "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 13 of an Act entitled "An Act in re-  
3 gard to wills," approved March 20, 1872, in force July 1, 1872, be and the same  
4 is hereby amended so as to read as follows:

5 Sec. 13. When the probate of any will and testament shall have been  
6 allowed or refused by any county or probate court, and an appeal shall have  
7 been taken from the order or decision of such court, allowing or refusing to  
8 admit such will to probate, into the circuit court of the proper county, as pro-  
9 vided by law, it shall be lawful for the party seeking probate of such will to  
10 support the same, on hearing in such circuit court, by any evidence competent

11 to establish a will in chancery; and in case probate of such will shall be al-  
12 lowed on such appeal, it shall be admitted to probate, liable, however, to be  
13 subsequently contested, as provided in the case of wills admitted to probate in  
14 the first instance.



- 1   Reported from Senate, April 15, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 74, 75 and 77 of an Act entitled "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, and as amended in regard to said section 75, by an Act approved June 10, 1897, in force July 1, 1897.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 74, 75 and 77 of an Act entitled "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, and as amended in regard to said section 75 by an Act approved June 10, 1897, in force July 1, 1897, be and the same are hereby amended to read as follows:      •

7      Sec. 74. The widow, residing in this State, of a deceased husband whose  
8   estate is administered in this State, whether her husband died testate or in-  
9   testate, shall, in all cases, in exclusion of *all* debts, claims, charges, legacies

10 and bequests, except funeral expenses, be allowed as her sole and exclusive  
11 property forever, *except as herein otherwise provided*, the following, to-wit:

12     *First*—The family pictures and the wearing apparel, jewels and ornaments  
13 of herself and her minor children.

14     *Second*—Such sum of money as the appraisers may deem reasonable for the  
15 proper support of herself and his minor children for the period of one year  
16 after the death of the testator or intestate, in a manner suited to her condition  
17 in life, taking into account the condition of the estate of the testator or in-  
18 testate.

19     Such allowance shall in no case be less than five hundred (\$500) dollars, to-  
20 gether with an additional sum not to exceed two hundred (\$200) dollars, for each  
21 minor child of the testator or intestate under eighteen (18) years of age at the  
22 time of his death. The amount so allowed for the support of the minor or  
23 minors shall be, by the executor or administrator, paid to the widow in quar-  
24 terly payments due and payable at the end of each quarter of the year for  
25 which the allowance is made. In case such widow dies or abandons such minor  
26 child, before the expiration of the year, the amount allowed on account of said  
27 minor and remaining unpaid to the widow shall become the property of said  
28 minor.

29     Sec. 75. The allowance made as aforesaid by the appraisers shall be sub-  
30 ject to review by the court and if unreasonable or unjust the court may refer  
31 the same back to the same appraisers or may appoint other appraisers to fix  
32 such widow's award; or, on petition of the widow, the executor or administra-  
33 tor, heirs, legatee or devisee, or creditor of the estate, may hear evidence, and  
34 upon such hearing may increase or diminish such award as justice may require.  
35 The costs of such hearing shall be taxed by order of the court in such manner  
36 as to equity shall appertain.

37     *The widow shall be entitled to receive the amount of her award in money,*  
38 *or she may, at her election, accept payment therefor in whole or in part in*  
39 *personal property of deceased at its appraised value, such selection to be made*  
40 *by her within thirty (30) days after notification in writing of the allowance*  
41 *of her award.*

42     *In case such widow is insane, or otherwise incompetent, her conservator*  
43 *shall make the selection, and in case she should die, the administrator of her*  
44 *estate shall make selection for the benefit of her estate.*

45     Sec. 77. When the person dying is, at the time of his or her death, a  
46 housekeeper, the head of a family, and leaves no widow or surviving husband,  
47 there shall be allowed to the children of the deceased, residing with him or  
48 her at the time of his or her death (including all males under eighteen years  
49 of age, and all females), the same amount of property, and money, subject to  
50 the review of the court as provided in section 75, as is allowed to the widow  
51 for herself and children by this Act, with the same right of selection of chattel  
52 property at its appraised value, which selection may be made by the guardian  
53 for the minors, and by the conservator for any adult female under disability.  
54 *Such award may be apportioned as the court may direct.*





1 Reported from Senate, May 13, 1909.

2 Read by title, ordered printed and to a first reading.

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WHEREAS, Patrick Henry, a Governor of Virginia, commissioned General  
2 George Rogers Clark to secure for and maintain to the United States that great  
3 domain bounded by the Great Lakes and the Ohio and Mississippi rivers, after-  
4 wards known and denominated as the Northwest Territory. Of this, Illinois,  
5 a component part, was first organized as a county of Virginia, and as such  
6 its destinies were presided over by Patrick Henry, who was thus the first Gov-  
7 ernor of the territory after it came under the control of the United Colonies:

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## A BILL

For an Act to appropriate one thousand dollars (\$1,000) for purchase of portrait  
of Patrick Henry.

SECTION 1. THEREFORE, *Be it enacted by the People of the State of Illinois*  
2 *represented in the General Assembly:* That there is hereby appropriated from

3 the money in the State treasury the sum of one thousand dollars (\$1,000), or  
4 so much thereof as may be necessary, to have painted and framed a portrait  
5 of Patrick Henry, to be placed in the executive office of the State House. to  
6 be paid on the order of the Secretary of State, and approved by the Governor.

- 1 Reported from Senate April 8, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to protect benevolent, humane, fraternal and charitable corporations in the use of their names and emblems and providing penalties for violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no person, society, association or corporation,  
3 shall assume, adopt or use the name of any benevolent, humane, fraternal or  
4 charitable organization, incorporated under the laws of this or any other state,  
5 or of the United States, or a name so nearly resembling the name of such in-  
6 corporated organization as to be a colorable imitation thereof, or any generic  
7 term or description thereof calculated to deceive persons not members, with re-  
8 spect to such corporation. In all cases where two or more of such societies, asso-  
9 ciations or corporations claim the right to the same name, or to names substan-  
10 tially similar as above provided, the organization which was first organized and

11 used the name, and first became incorporated under the laws of the United  
 12 States, or of any state of the Union, shall be entitled in this State to  
 13 the prior and exclusive use of such name, and the rights of such societies,  
 14 associations or corporations and of their individual members shall be fixed and  
 15 determined accordingly.

Sec. 2. No person shall wear or exhibit the badge, button, emblem, dec-  
 2 oration, insignia or charm, or shall assume or use the name of any benevo-  
 3 lent, humane, fraternal or charitable corporation, incorporated under the laws  
 4 of this or any other state or of the United States, or shall assume or claim  
 5 to be a member thereof, or of a benevolent, humane, fraternal or charitable corpo-  
 6 ration, the name of which shall as nearly resemble the name of any other cor-  
 7 poration existing prior to the organization of the corporation or association  
 8 of which such person may claim to be a member, the name whereof may be  
 9 calculated to deceive the people with respect to any such prior corporation  
 10 unless he shall be authorized under the laws, statutes, rules, regulations and  
 11 by-laws of such former corporation to wear such badge, button, emblem, decor-  
 12 ation, insignia or charm, or to use and assume such name as a member thereof  
 13 *Provided*, that the provisions of the foregoing sections shall not apply to an  
 14 society or association heretofore incorporated under the laws of this or any  
 15 other state, or of the United States.

Sec. 3. Any person convicted of a violation of any of the provisions of  
 2 either or any of the foregoing sections of this Act shall be deemed guilty of  
 3 a misdemeanor, and shall be fined in any sum not exceeding fifty dollars, or  
 4 imprisoned in the county jail not exceeding thirty days, or both, and any suc-  
 5 pretended society or organization or any member or members thereof, jointly or  
 6 severally, shall be liable for the return of any money or thing of value received  
 7 for membership in such society or for any degree therein given or conferred.



1 Reported from Senate May 20, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 25 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization; and to repeal an Act and parts of Acts therein named." Approved June 23, 1883, in force July 1, 1883.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 25 of chapter 121 on roads and bridges  
3 be amended to read as follows:

4 Sec. 25. The commissioners are hereby authorized to contract for the con-  
5 struction and repairing of roads and bridges, but when such contracts are for a  
6 sum exceeding \$200.00, they shall give at least ten days' notice of the time and  
7 place of letting such contract by causing notices in at least ten public places in  
8 and contiguous to the town, describing the work and time of completion: *Pro-*  
9 *vided*, in case where bridges have been suddenly destroyed on any important  
10 highway, then such commissioners may privately contract for replacing such  
11 bridge to an amount not exceeding \$200.00.



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- 1 Reported from the Senate Feb. 18, 1909.
  - 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act making an appropriation for the payment of committee expenses of the  
Forty-sixth General Assembly. •

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000),  
3 or so much thereof as may be necessary, is hereby appropriated to pay the ex-  
4 penses of the committees of the Forty-sixth General Assembly.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrants upon the State Treasurer for the sum herein appro-  
3 priated, said warrants to be drawn only on itemized bills certified by the chair-  
4 man of the committee incurring the expenses, and approved by the presiding  
5 officer of that branch of the General Assembly appointing the committees. Be-  
6 fore any warrants shall be drawn for the payment of the expenses of special  
7 committees, the secretary of the Senate and the clerk of the House shall furnish

8 the Auditor with certified copies of resolutions or other records of the appoint-  
9 ment of such special committees.

Sec. 3. Whereas, an emergency exists, this Act shall take effect and be in  
2 force upon its passage.



- 1 Reported from Senate May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act making an appropriation for the erection of a monument on the battle

field of Kenesaw Mountain, Georgia.

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WHEREAS, The Third Brigade, Second Division of the Fourteenth Army

2 Corps, Army of the Cumberland, made a charge upon the Confederate in-

3 trenchments at Kenesaw Mountain, Georgia, on the 27th day of June, 1864; and.

4 WHEREAS, Said charge was a most desperate one and probably unparalleled

5 in history for persistent heroism; and,

6 WHEREAS, Said Third Brigade was largely composed of Illinois troops, con-

7 spicuous for their courage and gallantry; and,

8 WHEREAS, A corporation has been organized and incorporated under the

9 laws of the State of Illinois for the purpose of the erection of a suitable monu-

10 ment to the memory of the men of said brigade who died on that bloody field;

11 and,

12 WHEREAS, Said corporation is known as the "Kenesaw Memorial Associa-  
 13 tion" and has purchased and now owns the land upon which said charge was  
 14 made and intends to convey the same to the federal government to be perpetu-  
 15 ated as a public park; and ,

16 WHEREAS, It is a patriotic duty for the people of this State to keep in per-  
 17 petual remembrance the heroism of our fallen soldiers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*  
 2 *in the General Assembly:* That there be and is hereby, appropriated to the  
 3 Kenesaw Memorial Association the sum of twenty thousand dollars (\$20,000)  
 4 to be used for the erection of a monument on the battlefield of Kenesaw Moun-  
 5 tain, Georgia, to the memory of the Illinois soldiers who died there in that  
 6 terrible assault.

Sec. 2. That for the purpose of carrying out the provisions of this Act, the  
 2 Governor shall appoint three of the officers of the Kenesaw Memorial Associa-  
 3 tion, who shall be commissioners and shall make full report to the Governor  
 4 of their acts and doings hereunder, who shall receive no compensation for their  
 5 services.

Sec. 3. The Auditor of Public Accounts is hereby authorized and directed  
 2 to draw his warrants on the Treasurer, on the presentation of proper vouchers  
 3 certified by said commissioners and approved by the Governor, to the full  
 4 amount of this appropriation.

1. Reported from Senate March 2, 1909.

2. Read by title, ordered printed and to a first reading.

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## A BILL

For an Act entitled "An Act to declare unlawful the filing for record of certain deeds or conveyances of real estate where the same has been sold for taxes and no deed has been taken out within one year after the time for redemption expires, to make such filing for record a misdemeanor, and to provide a penalty for such illegal filing for record."

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no person shall file, or cause to be filed, for  
3 record in the recorder's office of the county wherein the land is situated, any  
4 deed or paper, purporting or claiming to convey any title, or interest to such  
5 land, where such title or interest is based upon the sale of said land for taxes,  
6 for State, county or municipal purposes, and where no tax deed has been taken  
7 out and filed for record by the holder of the certificate of sale within one year  
8 after the time for redemption from such tax sale expired, and where the  
9 holder of the certificate has not been prevented from obtaining such deed by

10 injunction or order of any court or by the refusal of the clerk to execute the  
11 same, and if the holder of the certificate is so prevented, the time he is so  
12 prevented shall be excluded from the computation of such time. And such  
13 filing for record is hereby declared unlawful. Provided the provisions of this  
14 section shall not apply to any owner of property who in good faith shall record  
15 any deed to perfect or clear his title.

Sec. 2. Any person who files or causes to be filed for record any deed or  
2 paper, the filing of which for record is declared unlawful in the foregoing sec-  
3 tion, shall be deemed guilty of a misdemeanor, and upon conviction thereof,  
4 shall be fined not less than fifty nor more than two hundred dollars, for each  
5 offense, and may also be imprisoned in the county jail not less than thirty days,  
6 nor more than one year.



1   Reported from Senate Feb. 24, 1909.

2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section two of an Act entitled “An Act to provide for the establishment of an insurance department, and the appointment of an insurance superintendent,” approved June 20, 1893; in force July 1, 1893.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section two (2) of an Act entitled “An Act to  
3 provide for the establishment of an insurance department, and the appointment  
4 of an insurance superintendent,” approved June 20, 1893; in force July 1, 1893,  
5 be, and the same is hereby amended to read as follows:

6     Sec. 2. The Insurance Superintendent shall be appointed as follows: With-  
7 in twenty (20) days after this Act shall take effect the Governor shall appoint  
8 a person experienced in matter of insurance as such Insurance Superintendent.  
9 He shall hold office until May 1, 1897. During the meeting of the General As-  
10 sembly in 1897, and every four years thereafter, the Governor, by and with the  
11 advice and consent of the Senate, shall appoint a person experienced in matter

12 of insurance an Insurance Superintendent, who shall hold office for a term of  
13 four years from the first day of May in the year of his appointment and until  
14 his successor is appointed and qualified. Before entering upon the discharge  
15 of his duties such Insurance Superintendent shall take and subscribe to an oath  
16 of office, to be filed with the Secretary of State, and shall give a bond to the  
17 State of Illinois in the penal sum of \$50,000, with sufficient sureties, conditioned  
18 for the faithful discharge of his duties and to deliver up all papers, books,  
19 records and other property appertaining to his office, whole and safe to his suc-  
20 cessor in office, and that he will give additional bonds, with sufficient sureties,  
21 when legally required, which bond when approved by the Governor of the State,  
22 shall be filed with the Secretary of State and he shall receive, in full compen-  
23 sation for his service, an annual salary of five thousand dollars (\$5,000), pay-  
24 able quarterly.

- 1 Reported from Senate, March 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for testing the sight and hearing of pupils in public schools  
and making an appropriation therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the State Board of Health and the State Super-  
3 intendent of Public Instruction shall prepare or cause to be prepared, suitable  
4 test cards, blanks, record books and other needful appliances to be used in  
5 testing the sight and hearing of pupils in public schools, and necessary in-  
6 structions for their use; and the State Superintendent of Public Instruction  
7 shall furnish the same free of expense to every school in the State. The  
8 superintendent, principal, teacher or medical inspector, in schools having such  
9 medical inspector, in every school during the month of September in each year  
10 and also at such other times as may be found necessary or desirable, shall  
11 test the sight and hearing of all pupils under his charge, and keep a record of

12 such examination according to the instructions furnished, and shall notify in  
13 writing the parent or guardian of every pupil who shall be found to have any  
14 defect of vision or hearing, or diseases of eyes or ears, with a brief statement  
15 of such defect or disease, and shall make a written report of all such examina-  
16 tions to the State Superintendent of Public Instruction as he may require.

Sec. 2. The State Superintendent of Public Instruction, with the approval  
2 of the State Board of Health, may expend during the year 1909, a sum not  
3 greater than three thousand (\$3,000) dollars, and annually thereafter a sum  
4 not greater than two thousand (\$2,000) dollars, for the purpose of carrying out  
5 the provisions of this Act, and the Auditor of Public Accounts is hereby author-  
7 ized and directed to draw his warrants on the State Treasurer for such sums  
8 and at such times as the State Superintendent of Public Instruction, with the  
9 approval of the State Board of Health, may from time to time require, upon  
10 the presentation of proper vouchers, and the State Treasurer shall pay the  
11 same out of any funds in the State treasury not otherwise appropriated.



- 1 Reported from Senate April 29, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 5 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by Act approved June 4, 1889, in force July 1, 1889, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved June 4, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section eight (8) of an Act entitled, "An Act  
3 concerning fees and salaries, and to classify the several counties of this State  
4 with reference thereto," approved March 29, 1872, in force July 1, 1872, as  
5 amended by Act approved June 4, 1889, in force July 1, 1889, title as amended  
6 by Act approved March 28, 1874, in force July 1, 1874, as amended by Act ap-  
7 proved June 4, 1907, in force July 1, 1907, be and the same is hereby amended  
8 so as to read as follows:

9        Sec. 8.    State's attorneys shall also be entitled to the following fees:

10        For each conviction in prosecutions on indictments for murder, manslaughter,  
11    ter, rape, kidnapping, arson and forgery, \$30. All other cases punishable by  
12    imprisonment in the penitentiary, \$30.

13        For each conviction in other cases in courts of record, including cases  
14    brought to such courts by appeal from justices of the peace and police magis-  
15    trates, \$15: *Provided, however,* that no such fees shall be allowed in any such  
16    case tried in the municipal court of Chicago, unless the same be tried by jury  
17    or unless the trial thereof shall occupy more than one full day, and then only  
18    in case the court shall expressly order such fees to be allowed.

19        For each conviction in cases before police magistrates and justices of  
20    the peace for offenses which it is made by law the duty of the States' attor-  
21    neys to prosecute before such officers, and for each conviction before justices  
22    of the peace and police magistrates on any charge made criminal by the laws  
23    of this State prosecuted by them, \$5.

24        For preliminary examinations of each defendant held to bail or recognizance, \$5.

25        For each examination of a party bound over to keep the peace, \$5.

26        For each defendant held by a justice of the peace or police magistrate to  
27    answer in a county court on a charge of bastardy, \$5.

28        For each trial in a court of record on a charge of bastardy, \$15.

29        For each case of appeal or writ of error taken from his county or from  
30    the county to which a change of venue is taken to his county to the Supreme  
31    or Appellate Court when prosecuted or defended by him, \$50.

32        For each day actually employed in the trial of a case in a court of rec-  
33    ord, \$10; in which case the judge before whom the case is tried shall make  
34    an order specifying the number of days for which a per diem shall be allowed:  
35    *Provided, however,* no such per diem shall be allowed in any case tried in  
36    the municipal court of Chicago, unless the trial be by jury.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$10; and the judge before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance, where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, \$10 for each defendant.

For each proceeding in a court of record to inquire into the alleged insanity or distraction of any person alleged to be insane or distracted, \$5 for each defendant.

For each proceeding in a court of record to inquire into the alleged dependency or delinquency of any child, \$10.

For each day actually employed in the hearing of a case of *habeas corpus* in which the people are interested, \$20.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the sanity or insanity of any person alleged to be insane, in cases on a charge of bastardy and in cases of appeal or writ of error in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

65        Ten per cent of all moneys except revenue, collected by them and paid  
66 over to the authorities entitled thereto, which per cent, together with the fees  
67 provided for herein that are not collected from the parties tried or examined,  
68 shall be paid out of any fines and forfeited recognizances collected by them.

69        State's attorneys shall have a lien for their fees on all judgments for fines  
70 or forfeitures procured by them and on moneys except revenue received by them  
71 until such fees and earnings are fully paid.

72        No fees shall be charged on more than ten counts in any one indictment  
73 or information on trial and conviction; nor on more than ten counts against  
74 any one defendant on pleas of guilty at the same term of court.



- 1 Reported from Senate March 31, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the fees of county clerks in counties of first and second class, and to provide for the payment of the same.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That county clerks in counties of the first and second class shall be entitled to receive the fees herein specified, for the services mentioned, and such other fees as may be provided by law for such other services not herein designated.

### FEES OF COUNTY CLERKS.

- 6 For taking proof of any will or testament, and endorsing certificate of probate thereon, including all services relating thereto, in counties of the first class,
- 7 fifty cents; in counties of the second class, forty cents.

9 For recording last will and testament, for every one hundred words, in  
10 counties of the first class, twelve cents; in counties of second class, ten cents.

11 For issuing letters of administration, or letters testamentary, and affixing  
12 seal thereto, and recording same, in counties of first class, seventy-five cents; in  
13 counties of second class, fifty cents.

14 For taking bond of an executor or administrator, and administering oath, in  
15 counties of first class, sixty cents; in counties of second class, fifty cents.

16 For taking and filing renunciation of widow or next of kin, fifteen cents in  
17 all counties of the first and second class.

18 For taking proof of codicil when proven separately, and endorsing certi-  
19 cate of probate thereon, including all services relating thereto, in counties of first  
20 class, fifty cents; in counties of second class, forty cents.

21 For recording the same, for every one hundred words, in counties of first  
22 class, twelve cents; in counties of second class, ten cents.

23 For recording settlements of executors, administrators and guardians, for  
24 every one hundred words, figures included, in counties of first class, twelve  
25 cents; in counties of second class, ten cents.

26 For copy of settlement, with certificate and seal, for every one hundred  
27 words, in counties of first class, twelve cents; in counties of second class, ten  
28 cents.

29 For copies of exemplifications of copies and papers, for every one hundred  
30 words, in counties of the first class, ten cents; in counties of second class, eight  
31 cents.

32 For official certificate and seal, other than for process, and for which no fee  
33 is allowed by law, in counties of the first class, thirty-five cents; in counties of  
34 second class, thirty cents.

35 For each summons, citation, subpoena or other writ or process of court, and  
36 sealing the same, and for which no other fee is allowed, in counties of first class,  
37 thirty-five cents; in counties of second class twenty-five cents.

38 For administering oath to each witness in court, five cents, in all counties  
39 of first and second class.

40 For swearing any person to an affidavit and filing the same, in counties of  
41 first class, fifteen cents; in counties of second class, ten cents.

42 For entering each judgment, order or decree, and counting the whole entry  
43 as one, in counties of first class, twenty cents; in counties of second class, fifteen  
44 cents: *Provided*, that no charge shall be made for allowing claims against es-  
45 tates, except for swearing to and filing affidavit, unless the claim be litigated  
46 as other suits.

47 For docketing each claim against estates, ten cents in counties of first and  
48 second class.

49 For issuing each execution, in counties of first class, forty cents; in  
50 counties of second class, thirty-five cents.

51 For docketing same, ten cents, in all counties of first and second class.

52 For entering sheriff's return on same, ten cents, in all counties of first and  
53 second class.

54 For making bill of costs and recording the same, being one charge, in  
55 counties of first class, twenty-five cents; in counties of second class, twenty cents.

56 For filing each paper belonging to the settlement of estates, or suits pend-  
57 ing, five cents in all counties of first and second class.

58 For appraisement bills, and all other exhibits and writings, except wills and  
59 codicils, when ordered to be recorded by the court, and not otherwise, for every  
60 one hundred words, in counties of the first class, twelve cents; in counties of  
61 second class, ten cents.

62 For issuing and sealing letters of guardianship and recording same, in  
63 counties of first class, seventy-five cents; in counties of second class, fifty cents.

64 For taking bond of guardian, or for taking any bond not hereinafter speci-  
65 fied, and filing and recording the same, in counties of first class, sixty cents; in  
66 counties of second class, fifty cents.

67 For calling and swearing each jury, fifteen cents, in counties of first class,  
68 and ten cents in counties of second class.

69 For writing indenture to be paid by master, fifty cents in all counties of  
70 first and second class.

71 For each license and taking bond for every ferry, toll bridge, turnpike  
72 road, tavern, grocery or peddler, one dollar, in counties of first and second  
73 class.

74 For issuing each marriage license, sealing, filing and recording the same,  
75 and the certificate thereto, one charge, in all counties of first and second class,  
76 one dollar.

77 Each copy of rates for ferry, toll-bridge or turnpike road, twenty-five  
78 cents, in all counties of first and second class.

79 For each writ of *ad quod damnum*, fifty cents, in all counties of first and  
80 second class.

81 For each *dedimus*, to prove will, or otherwise, sixty cents.

82 For taking depositions and certifying to the same, for every one hundred  
83 words, in counties of first class, fifteen cents; in counties of second class, twelve  
84 cents.

85 For taking and certifying the acknowledgment of a deed, power of attor-  
86 ney or other writing, and sealing the same, twenty-five cents, in counties of first  
87 and second class.

88 For taking proof in cases of estrays, and granting certificates of the same,  
89 in counties of first class, twenty-five cents; in counties of second class, twenty  
90 cents.

91 For registering each certificate transmitted to him by a justice of the peace,  
92 in cases of estrays, ten cents, in counties of the first and second class.

93 For advertisement in such cases, including the copy for newspaper publica-  
94 tion, in counties of first class, fifty cents; in counties of second class, forty  
95 cents.



96 Trying and sealing weights and measures by county standard, fifty cents,  
97 in all counties of first and second class. (See "Weights and Measures," Ch.  
98 146, Sec. 12.)

99 For keeping a regular account current with each and every administrator,  
100 executor, guardian or conservator, to be kept in a well bound book furnished  
101 for that purpose, in counties of the first and second class, fifty cents for each  
102 settlement.

103 For canceling tax sale and issuing and sealing certificate of redemption,  
104 twenty-five cents, in all counties of first and second class.

105 For making transcript of taxable property for the assessors, one cent in  
106 counties of the first class, and two cents in counties of the second class, for each  
107 tract of land or town lot, and for extending taxes, one cent in counties of  
108 the first class, and two cents in counties of the second class, for extending  
109 each tax on each tract or lot, and each person's personal tax, to be paid by  
110 the authority for whose benefit the transcript is made and taxes extended,  
111 and it shall be the duty of the county clerk to certify to the county collector  
112 the amount due from each authority, and the collector, in his settlement  
113 with such authority, shall reserve such amount from the amount due and pay-  
114 able by him to such authority.

115 The following fees shall be audited and allowed by the county board, and  
116 paid from the county treasury:

117 For examining and correcting the assessor's returns, for making abstracts  
118 of same for the County Board of Review and State Auditor; for making ab-  
119 stracts of taxes levied on collector's books, and for auditor's office, and for  
120 computing the accounts of the county treasurer with the county, and making  
121 settlement with such treasurer, the county board or county court, as the case  
122 may be, shall allow such reasonable compensation as may be just and right for  
123 such services.

124 For entering the list of lands and town lots returned by the State Auditor,  
125 on the tract book, for each tract, two cents, in all counties of the first and  
126 second class.

127 For filing each paper appertaining to the county business (except assessor's  
128 duplicates of taxable property, for which no charge shall be made), five cents  
129 in all counties of the first and second class.

130 For attending sessions of the county board, or county court, the sum of  
131 three dollars per day for such attendance.

132 For recording proceedings of the board of supervisors or county court in  
133 county business, or making copies of such proceedings, for every one hundred words,  
134 in counties of the first class, twelve cents; in counties of second class, ten cents.

135 For recording miscellaneous instruments and papers required by law to be  
136 recorded in the county records, and for making copies of such records, or of  
137 papers of file, for each one hundred words, in counties of first class, twelve cents;  
138 in counties of second class, ten cents.

139 For issuing each certificate of appointment to road supervisors, in counties  
140 of the first and second class, twenty-five cents.

141 There shall be no fees allowed to county clerks for making election re-  
142 turns, abstracts of election, or for other business connected with the adminis-  
143 tration of the county, not otherwise provided for in this Act: but the county  
144 board, or county court, as the case may be, shall allow for such services an  
145 *ex-officio* fee, not exceeding one hundred dollars per annum: *Provided, how-*  
146 *ever,* That whenever the county clerk shall be required to perform similar serv-  
147 ice to those required of circuit clerks, and no fee is specially provided for such  
148 service, they shall be allowed for such service the same fees as herein allowed  
149 to circuit clerks.

150 The following fees shall be allowed for services attending the sale of land  
151 for taxes, and shall be charged as costs against the delinquent property and be  
152 collected with the taxes thereon.

153 For making lists of delinquent lands and town lots for judgments, for  
 154 each tract and town lot, three cents, in all counties of the first and second class.

155 For making list of delinquent lands and town lots on precept and sale, and  
 156 redemption records, for each tract, three cents, and each town lot. two cents, in-  
 157 cluding every service therein.

158 For services in attending the tax sale and issuing certificates of sale, and  
 159 sealing the same, for each tract or town lot sold, twenty-five cents, in all coun-  
 160 ties of first and second class.

161 For making list of delinquent lands and town lots sold, to be filed with  
 162 State Auditor, three cents for each tract of land, and two cents for each town  
 163 lot. (For fees of county clerk in counties of third class, see Sec. 56.)

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby re-  
 2 pealed.





AMENDMENTS TO

46th Assem.

Senate Bill No. 47 in House

May 1909

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Adopted May 28, 1909.

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AMENDMENT NO. 1.

Strike out all of the title after the words "A Bill" and insert in lieu thereof the following:

"For an Act to amend section 18 of 'An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,' approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874."

AMENDMENT NO. 2.

In section one, strike out all after the enacting clause up to and including the word "designated," in line five thereof, and insert the following in lieu thereof:

"That section 18 of 'An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,' approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows."

## AMENDMENT NO. 3.

On page one, line six, before the word "for," insert the following words and figures: "Section 18."

- 1 Reported from Senate, April 15, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section one of an Act entitled "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899; as amended by Act approved May 10, 1901, in force July 1, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1) of an Act entitled "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899; as amended by Act approved May 10, 1901, in force July 1, 1901, be amended to read as follows:

8       Sec. 1. That every male person over twenty-one (21) years of age and  
9 every female person over eighteen (18) years of age, who shall be convicted of  
10 a felony or other crime punishable by imprisonment in the penitentiary shall  
11 have his or her maximum term of imprisonment in the penitentiary fixed by the  
12 jury trying such person, or by the court, in case of a plea of guilty, which  
13 maximum term of imprisonment, so fixed by the jury or the court, shall not be  
14 less than the minimum term, nor more than the maximum term provided by  
15 law for the offense for which such person shall be convicted; and such persons  
16 shall be eligible to parole, subject to the provisions of this Act as hereby  
17 amended, and shall be entitled to allowance for good time as now provided by  
18 law, and the judgment of the court shall show the maximum term fixed by the  
19 jury or court, as aforesaid: *Provided*, that nothing in this Act shall be construed  
20 to apply to any person convicted of the crime of treason, murder, rape or kid-  
21 napping, but any person convicted of the crime of treason, murder, rape or  
22 kidnapping shall be punished as now provided by law.



- 1 Reported from Senate April 21, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section eight of an Act entitled "An Act to revise the law in relation to township insurance companies," approved March 24, 1874, and in force July 1, 1874, as amended by Act approved May 13, 1905, in force July 1, 1905.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eight of an Act entitled "An Act to revise the law in relation to township insurance companies," approved March 24, 1874, and in force July 1, 1874, as amended by Act approved May 13, 1905, in force July 1, 1905, be amended so as to read as follows:

Sec. 8. Such companies may issue policies only on detached dwellings, barns, (except livery, boarding and hotel barns) and other farm buildings, school houses and churches, and such property as may be properly contained therein, also other property on the premises and owned by the insured, also live stock (hay and grain in the stack) on the premises of the insured and anywhere in

11 the territory of the company, for any time not exceeding five years and not to  
12 extend beyond the limited duration of the charter, and for an amount not to ex-  
13 ceed six thousand dollars on any one risk. Said policies may cover loss of or  
14 damage to live stock, harness, vehicles temporarily taken from the territory of  
15 the company: *Provided*, said live stock, harness and vehicles be not removed to  
16 exceed twenty-five miles from the territory of the company. All persons so in-  
17 sured shall give their obligations to the company binding themselves, their  
18 heirs and assigns, to pay their pro rata share to the company of the necessary  
19 expenses, and of all losses by fire or lightning, which may be sustained by any  
20 member thereof during the time for which their respective policies are written,  
21 and they shall also, at the time of effecting the insurance, pay such percentage  
22 in cash, and such other charge as may be required by the rules and by-laws of  
23 the company.

- 1 Reported from Senate, April 1, 1909.
- 2 Read by title, ordered printed and to a first reading.

A BILL

For an Act to amend section two of an Act entitled “An Act to provide for the burial of deceased indigent or friendless soldiers, sailors or marines of the late civil war, the Spanish-American war, the Philippine insurrection and the Boxer uprising in China, or their mothers, wives or widows.”

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section two of an Act entitled, “An Act to provide

3 for the burial of deceased indigent or friendless soldiers, sailors or marines of

4 the late Civil War, the Spanish-American War, the Philippine insurrection,

5 and the Boxer uprising in China, or their mothers, wives or widows” shall

6 be amended so as to read as follows:

Sec. 2. The expense of such burial shall not exceed the sum of fifty dollars,

2 such burial shall not be made in any cemetery or burial ground used ex-

clusively for the burial of the pauper dead, or in that portion of any burial  
ground so used: *And, provided*, that in case relatives of the deceased, who are  
unable to bear the expense of burial, desire to conduct the funeral, they may be  
allowed to do so, and the expense thereof shall be paid as hereinafter provided.



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- 1 Reported from Senate Feb. 24, 1909.
  - 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in relation to consolidation and reinsurance by life insurance companies.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That hereafter no life insurance company organized  
3 under the laws of this State shall reinsure its risks in any com-  
4 pany not authorized to transact business in this State, nor shall any life in-  
5 surance company organized under the laws of this State consolidate with any  
6 other company so organized, or reinsure its risks in a company authorized to  
7 transact business in this State, except as hereinafter provided; but nothing here-  
8 in contained shall prevent any company from reinsuring a fractional part of  
9 any single risk in any company.

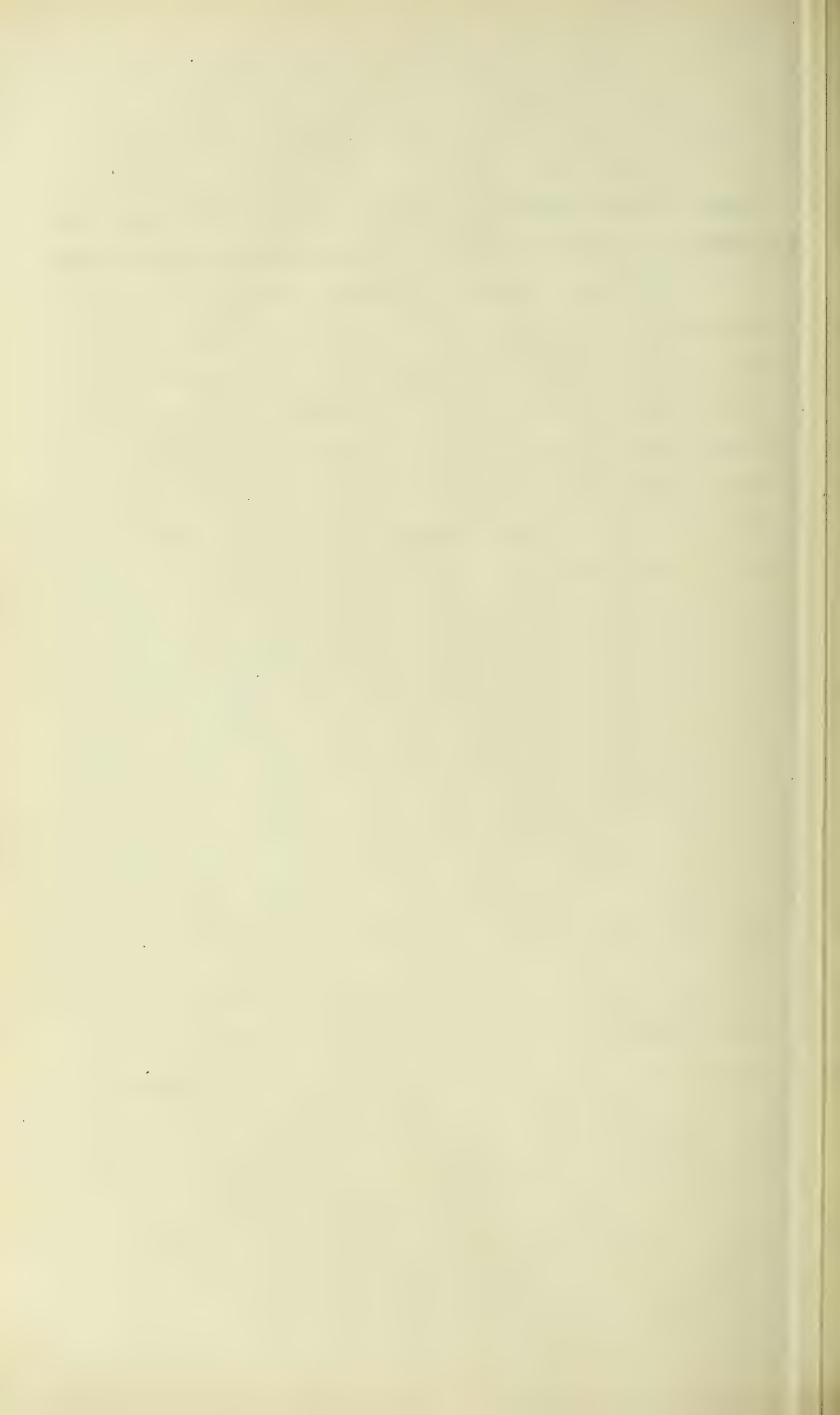
Sec. 2. The word "company" when used in this Act shall include any cor-  
2 poration or association authorized to do the business of life insurance on the  
3 stock, mutual, stock and mutual, or assessment plan; and the word "member"  
4 shall mean the insured under a policy or certificate issued by any company  
5 other than a purely stock company.

Sec. 3. Whenever any life insurance company shall propose to consolidate  
 2 with or reinsure its risks in any other company the board of directors or trus-  
 3 tees may submit the question of such consolidation or reinsurance to the stock-  
 4 holders or members or both (as the case may be) of such company at the regular  
 5 annual meeting thereof, or may call a special meeting for either of such pur-  
 6 poses. Such special meeting shall be called by a majority of said directors or  
 7 trustees by delivering personally or depositing in the post office at least thirty  
 8 days before the time fixed for such meeting a notice addressed to each stock-  
 9 holder or member at his last post office address appearing on the records of the  
 10 company, stating the time, place and object of such meeting.

Sec. 4. At any such meeting the stockholders or members or both (as the  
 2 case may be) may vote in person or by proxy, each stockholder to be entitled to  
 3 one vote for each share or stock held by him, and each member to one vote for  
 4 each one thousand dollars of insurance held by him: *Provided, however,* that  
 5 any member holding less than one thousand dollars of insurance shall be en-  
 6 titled to one vote; and votes representing two-thirds of all the stock in the case  
 7 of purely stock companies, or of two-thirds of all the stock, if any, and of two-  
 8 thirds of all the votes cast by members represented at the meeting in person  
 9 or by proxy in the case of other companies, shall be necessary for the adoption  
 10 of such proposed articles of consolidation or contract of reinsurance. Articles of  
 11 consolidation shall comprise a copy of the charter of the proposed consolidated  
 12 corporation setting forth its corporate name; the place where its principal office  
 13 is to be located; the manner in which its corporate powers are to be exercised;  
 14 the manner of electing trustees or directors and officers, a majority of whom  
 15 shall be citizens of this State at the time of such election; the manner of filling  
 16 vacancies; the amount of capital stock, if any; and such other particulars as  
 17 may be necessary to explain and make manifest the objects and purposes of the  
 18 consolidated company and the manner in which it is to be conducted.

Sec. 5. Upon the adoption of a contract of reinsurance or articles of consolidation at a meeting held in accordance with the provisions of this Act, said contract of reinsurance or articles of consolidation shall be duly executed by the president and attested by the secretary under the corporate seal of each of the contracting or consolidating companies, and thereupon a certificate of the adoption and execution of such contract of reinsurance or articles of consolidation, verified by the affidavit of the president and under the seal of each of said companies, shall be submitted to the Insurance Superintendent. If the Insurance Superintendent, upon examination of such contract of reinsurance or articles of consolidation, finds the same to be in accordance with the provisions of this Act and not inconsistent with the laws and the constitution of this State and of the United States and that no reasonable objection exists thereto, he shall cause such contract of reinsurance or articles of consolidation to be recorded in a book kept for the purpose, and thereupon such contract of reinsurance or consolidation shall be and is hereby declared to be effected and in force. If the Insurance Superintendent shall refuse to cause such contract of reinsurance or articles of consolidation to be so recorded, he shall, within fifteen days from the date of submission of the same, notify each of said companies in writing of such refusal, assigning his reasons therefor.

Sec. 6. The provisions of this Act shall not affect or be construed to apply to fraternal beneficiary societies or associations.





- 1 Reported from Senate May 19, 1909.
- 2 Read a first time, ordered printed and referred to Committee on Appropriations.

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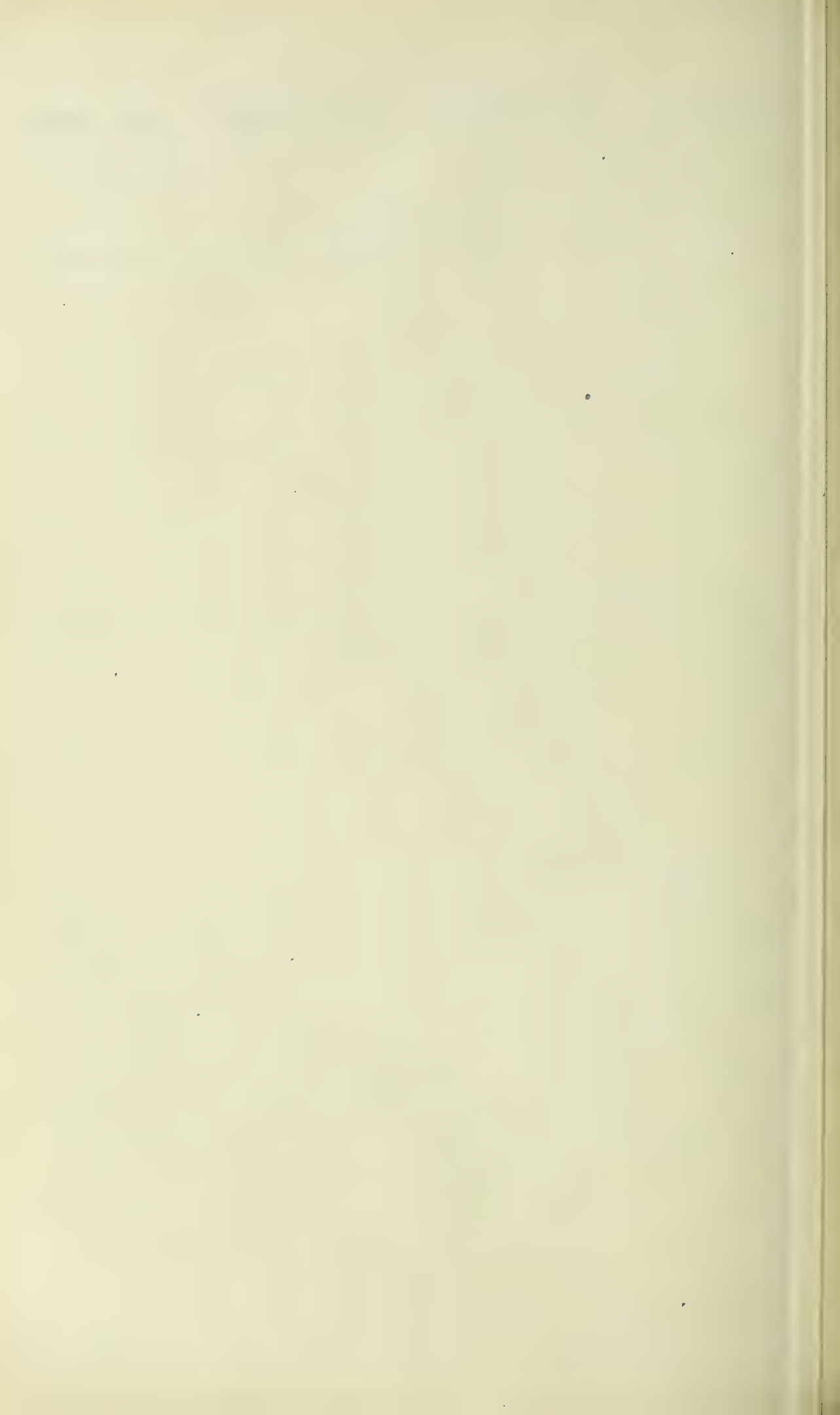
## A BILL

For an Act making an appropriation to meet a deficiency in the expenses for returning fugitives from justice.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary to pay the expenses already incurred and to be incurred before the first day of July, 1909, for the apprehension and delivery of fugitives from justice, to be paid on evidence required by law, certified and approved by the Governor.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage and approval.



- 1   Reported from Senate May 25, 1909.
- 2   Read by title, ordered printed and to a first reading.

---

## A BILL

For an Act creating the office of State Fire Marshal, prescribing his duties and providing for his compensation and for the maintenance of his office.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the Governor is hereby authorized and em-  
3 powered to appoint within sixty days after this Act shall take effect, and every  
4 four years thereafter, between the 15th day of January and the first day of  
5 February, by and with the advice and consent of the Senate, and also within  
6 thirty days after the occurrence of a vacancy in the office, a suitable person who  
7 shall be a citizen of this State, as State Fire Marshal, who shall give bond  
8 in the penal sum of five thousand dollars, with not less than two sureties con-  
9 ditioned for the faithful performance of the duties of his office, to be approved  
10 by the Insurance Superintendent, who shall devote his whole time to the duties  
11 of his office, and who shall hold office until his successor is appointed and quali-

12 fied, the title of which office shall be State Fire Marshal. Such officer shall keep  
13 his office at the capitol in the city of Springfield, and may be removed for cause  
14 at any time by the Governor.

Sec. 2. The State Fire Marshal is hereby empowered and required to ap-  
2 point two deputy fire marshals to be designated as first and second deputies,  
3 and one chief assistant. The duties of said deputies and chief assistant shall be  
4 to assist the State Fire Marshal, and such appointees may be removed for  
5 cause by the said Fire Marshal.

Sec. 3. In the event of a vacancy in the office of Fire Marshal, or during  
2 the absence or disability of that officer, the first deputy marshal shall perform  
3 the duties of the office.

Sec. 4. The State Fire Marshal is hereby empowered to appoint such ad-  
2 ditional deputy fire marshals and such office assistants as may be necessary for  
3 the proper and efficient conduct of his office.

Sec. 5. The State Fire Marshal may, in addition to the provisions of section  
2 4, appoint any person as inspector who may be known to him to be competent  
3 and skilled in the business of fire insurance and in the inspection of buildings  
4 and their contents. Such person shall have all the powers of other deputies  
5 to enter and inspect buildings, including their contents and occupancies, as pro-  
6 vided under section 9, and it shall be the duty of such inspectors to report to  
7 the Fire Marshal any faulty or dangerous conditions found. Such deputy in-  
8 spectors to be duly commissioned and serve without compensation.

Sec. 6. The State Fire Marshal and the chief of the fire department of every  
2 city or village in which a fire department is established, and the mayor of every  
3 incorporated village or town in which no fire department exists, and the town-  
4 ship clerk of every organized township without the limits of any organized



5 village or city, shall investigate the cause, origin and circumstances of every  
6 fire occurring in such city, village, town or township by which property has  
7 been destroyed or damaged, and shall especially make investigation as to  
8 whether such fire was the result of carelessness or design. Such investigation  
9 shall be begun within two days, not including Sunday, of the occurrence of such  
10 fire, and the Fire Marshal shall have the right to supervise and direct such in-  
11 vestigation whenever he deems it expedient or necessary. The officer making  
12 investigation of fires occurring in cities, villages, towns or townships shall  
13 forthwith notify said Fire Marshal and shall within one week of the occurrence  
14 of the fire, furnish to the said Fire Marshal a written statement of all facts re-  
15 lating to the cause and origin of the fire, and such other information as may be  
16 called for by the blanks provided by said Fire Marshal. The State Fire Mar-  
17 shal shall keep in his office a record of all fires occurring in the State, together  
18 with all facts, statistics and circumstances, including the origin of the fires,  
19 which may be determined by the investigations provided by this Act; such  
20 record shall at all times be open to the public inspection, and such portions of  
21 it as the Insurance Superintendent may deem necessary shall be transcribed and  
22 forwarded to him within fifteen days from the first of January of each year.

Sec. 7. The State Fire Marshal shall, when in his opinion further investigation  
2 is necessary, take or cause to be taken the testimony on oath of all persons  
3 supposed to be cognizant of any facts or to have means of knowledge in rela-  
4 tion to the matter as to which an examination is herein required to be made,  
5 and shall cause the same to be reduced to writing; and if he shall be of the opin-  
6 ion that there is evidence sufficient to charge any person with the crime of  
7 arson, or with the attempt to commit the crime of arson, or of conspiracy to  
8 defraud, or criminal conduct in connection with such fire, he shall cause such  
9 person to be arrested and charged with such offense or either of them, and shall  
10 furnish to the proper prosecuting attorney all such evidence, together with the

11 names of witnesses and all of the information obtained by him, including a  
12 copy of all pertinent and material testimony taken in the case, and shall report  
13 to the Insurance Superintendent as often as such superintendent shall require,  
14 his proceedings and the progress made in all prosecutions under this Act, and  
15 the result of all cases which are finally disposed of.

Sec. 8. The State Fire Marshal, deputy State fire marshals and chief as-  
2 sistant fire marshal, shall each have power in any county in the State of Illinois  
3 to summon and compel the attendance of witnesses before them, or either of  
4 them to testify in relation to any matter which is by the provisions of this  
5 Act a subject of inquiry and investigation, and may require the production of  
6 any book, paper or document deemed pertinent thereto by them or either of  
7 them. Said State Fire Marshal, deputy State fire marshals and chief assistant  
8 fire marshal are each hereby authorized and empowered to administer oaths  
9 and affirmations to any persons appearing as witnesses before them, and  
10 false swearing in any matter or proceeding aforesaid shall be deemed perjury  
11 and shall be punished as such. Any witness who refuses to be sworn, or who  
12 refuses to testify, or who disobeys any lawful order of said State Fire Mar-  
13 shal, deputy State fire marshals or assistant fire marshal, or who fails  
14 or refuses to produce any book, paper or document touching any matter under  
15 examination, or who is guilty of any contemptuous conduct after being sum-  
16 moned by them, or either of them, to appear before them, or either of them,  
17 to give testimony in relation to any matter or subject under investigation as  
18 aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of  
19 the State Fire Marshal, deputy State fire marshal or chief assistant fire mar-  
20 shal, or either of them, to make complaint against said person or persons so  
21 refusing to comply with the summons or order of said State Fire Marshal,  
22 deputy State fire marshals or chief assistant fire marshal, before any justice of

the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this Act shall be fined in a sum not exceeding twenty-five dollars (\$25.00) and imprisoned until such fine is paid: *Provided, however,* that any person so convicted shall have the right of appeal. Said State Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day and night, in the performance of the duties imposed by the provisions of this Act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of said State Fire Marshal may, in his discretion, be private, and persons other than those required to be present by the provisions of this Act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Sec. 9. The State Fire Marshal, his deputies and assistants, the chief of the fire department of all villages and cities where a fire department is established, and the mayor of cities or villages where no fire department exists, and the clerks of each township in the territory without the limits of an organized city or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any said officers shall find any building, or other structure which, for want of proper repair, or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and



13 whenever any such officers shall find in any building, or upon any premises com-  
 14 bustible or explosive material, or inflammable conditions, dangerous to the  
 15 safety of said buildings or premises, they shall order the same to be removed or  
 16 remedied, and such order shall be forthwith complied with by the owner or  
 17 occupant of said buildings or premises: *Provided, however,* that if the said oc-  
 18 cupant or owner shall deem himself aggrieved by such order, he may, within  
 19 ten days, appeal to the State Fire Marshal and the cause of complaint shall be  
 20 at once investigated by the direction of the latter, and unless by his authority  
 21 the order is revoked, such order shall remain in force and be forthwith com-  
 22 plied with by said owner or occupant. Any owner or occupant of buildings or  
 23 premises failing to comply with the orders of the authorities above specified  
 24 shall be punished by a fine of not less than ten dollars (\$10.00) or more than  
 25 fifty dollars (\$50.00) for each day's neglect; such penalty to be sued for in the  
 26 name of the People of the State of Illinois, upon the complaint of the fire mar-  
 27 shal, assistant fire marshal, or the State's attorney, or of any officer named  
 28 herein, in the county in which such building or buildings shall be situated, be-  
 29 fore any justice of the peace or in any court of record, with right of appeal, and  
 30 such penalty when recovered shall be paid into the county treasury of the  
 31 county wherein such recovery is had: *Provided, however,* That in municipali-  
 32 ties having building inspection and fire limits ordinances, nothing herein shall  
 33 be construed to effect such local regulations, but the jurisdiction of the State  
 34 Fire Marshal shall in such cases be concurrent with that of the municipal au-  
 35 thorities.

Sec. 10. Any officer referred to in section 6 herein who neglects to comply  
 2 with any of the requirements of this Act, shall be punished by a fine of not  
 3 less than twenty-five dollars (\$25.00) nor more than two hundred dollars  
 4 (\$200.00), to be recovered as provided in section 9 of this Act.



Sec. 11. The State Fire Marshal shall receive an annual salary of  
2 \$3,000.00, the assistant fire marshal, \$1,800; first and second deputy fire mar-  
3 shals, \$1,500.00 each. Said fire marshal shall employ additional deputies,  
4 clerks and assistants and incur such other expenses as may be necessary in the  
5 performance of the duties of the office, not to exceed, including salaries, such  
6 sum as may be paid to the Insurance Superintendent in the manner hereinafter  
7 provided.

Sec. 12. For the purpose of maintaining the office of the State Fire Mar-  
2 shal and paying the expenses incident thereto, every fire insurance company,  
3 whether upon the stock or mutual plan, and all individuals, firms, corporations,  
4 associations or aggregations of underwriters doing business in the State of Illi-  
5 nois, shall pay to the Insurance Superintendent of the State of Illinois in the  
6 month of February annually, in addition to the taxes now required by law to  
7 be paid by such companies, associations, partnerships, firms or individuals, not  
8 exceeding one-fourth of one per cent of the gross premium receipts of all such  
9 companies, firms, individuals, associations or partnerships on all business done  
10 in the State of Illinois during the year preceding or such portion of the year  
11 as this law may have been in effect as shown by their annual statement under  
12 oath to the Insurance Department. in case such company, association, firm,  
13 partnership or aggregation of underwriters is now required by law to make  
14 such annual report or does make such report, but it is expressly provided that  
15 from and after the taking effect of this law every such company, firm, part-  
16 nership, association, or body of individuals acting as underwriters or insuring  
17 each other, no matter how or under what form the business of fire insurance is  
18 done, shall annually report to the Insurance Superintendent the gross premi-  
19 ums received for the year or portion of year preceding, and shall, during the  
20 said month of February of each year, pay to the Insurance Superintendent  
21 such amount as may be assessed, not exceeding one fourth of one per cent of

22 such gross premium receipts, as hereinbefore provided. The Superintendent of  
23 Insurance shall cover the money so received into the State Treasury as a spe-  
24 cial fund for the maintenance of said office of fire marshal and the expense  
25 incident thereto. Any portion of said special fund remaining unexpended at  
26 the end of any fiscal year not needed for the maintenance and expenses of the  
27 Department of Fire Marshal shall be carried forward to the next fiscal year  
28 and the next assessment correspondingly reduced. The said fire marshal shall  
29 keep on file in his office an itemized statement of all expenses incurred by his  
30 department and shall approve all vouchers issued therefor before the same are  
31 submitted to the Auditor of State for payment, which said vouchers shall be  
32 allowed and paid in the same manner as other claims against the State.

Sec. 13. Every company, firm, co-partnership, association or aggregation  
2 of individuals, or body of persons insuring each other, or their agents, repre-  
3 sentatives, or attorneys in fact, who shall refuse or neglect to comply with the  
4 requirements of section 12 of this Act, shall be subject to a penalty of not less  
5 than one hundred dollars (\$100.00) nor exceeding five hundred dollars  
6 (\$500.00), recoverable in an action of debt at the suit of the Attorney General,  
7 Insurance Superintendent or State's attorney of the county in which the princi-  
8 pal office of the firm, association, corporation, individual or co-partnership is  
9 situated, and if such violation is by a company, association, co-partnership or  
10 aggregation of individuals licensed to do business in the State of Illinois,  
11 such license may be revoked by the Insurance Superintendent and penalties re-  
12 covered under the provisions of this Act shall be paid into the county treasury  
13 of the county in which such recovery is had.

Sec. 14. The State Fire Marshal shall not engage in any other business,  
2 and he, or one of his deputies, shall at all times be at the office of the fire mar-  
3 shal ready for such duties as are required by this Act.

Sec. 15. The fire marshal shall submit annually, as early as consistent  
2 with full and accurate preparation, and not later than the first day of February  
3 in each year, a detailed report of his official actions to the Insurance Superin-  
4 tendent, and there shall be included in the annual report of such Insurance  
5 Superintendent such portion of the report of the said fire marshal as shall be  
6 deemed desirable by such Insurance Superintendent.

Sec. 16. There shall be paid to the chiefs of fire departments, and to  
2 mayors of incorporated villages, who do not receive compensation for their  
3 services as such chiefs and mayors, and to the township clerk of every organ-  
4 ized township, who are by this Act required to report fires to the State Fire  
5 Marshal, the sum of fifty cents for each fire so reported to the satisfaction of  
6 the State Fire Marshal, and in addition thereto mileage at the rate of fifteen  
7 cents per mile for each mile traveled to the place of fire. Said allowance shall  
8 be paid by said State Fire Marshal at the close of each fiscal year out of any  
9 funds appropriated for the use of the office of said State Fire Marshal.





- 1 Reported from Senate, May 6, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act defining and regulating express companies operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission, and for other purposes.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That all, and each and every person or persons,  
3 firms, organizations or corporations engaged in transporting merchandise,  
4 property, parcels, packages, money and other things between points wholly  
5 within the State of Illinois and known as or engaged in the business of express  
6 companies or carriers by express, shall be deemed and are hereby declared to  
7 be common carriers, and as such shall, from and after the passage of this Act,  
8 be placed under the supervision and control of the Illinois Railroad and Ware

9 house Commission in the same manner as provided by existing statutes govern-  
10 ing railroads operating wholly within the State of Illinois.

Sec. 2. The Railroad and Warehouse Commission of the State of Illinois  
2 (hereinafter called the Commission) shall have power and it shall be its duty  
3 to fix and establish reasonable, fair and just rates of charges for each kind or  
4 class of property, money, parcels, merchandise, packages and other things to  
5 be charged for and received by each express company or carriers by express  
6 separately or conjointly, on all such property, money, parcels, merchandise,  
7 packages and other things which, by the contract of carriage, are to be trans-  
8 ported separately or conjointly by such express companies or carriers by ex-  
9 press, doing business over the line of any railroad or other carrier between  
10 points wholly within the State of Illinois, which rates or charges may be made  
11 to apply to all such express companies or express carriers, and may be changed  
12 or modified by said commission from time to time in such manner as may be-  
13 come necessary. Said commission shall have the same power to make and pre-  
14 scribe such rates, classifications, rules and regulations for the government and  
15 control of such express companies or carriers by express as is, or may be con-  
16 ferred upon said commission for the regulation of railroads.

Sec. 3. It shall be the duty of each and every person or persons, firms,  
2 organizations or corporations engaged in transporting property, money, par-  
3 cels, merchandise, packages and other things, between points wholly within the  
4 State of Illinois and known as or engaged in the business of express companies,  
5 to print in clear and legible type the schedules of rates for transportation of  
6 such property, money, parcels, merchandise, packages and other things from  
7 any point to another point on its own line, or when in connection with any  
8 other express company to any point wholly within the State of Illinois when  
9 a joint rate has been established, and naming all such points in such schedule.

10 and shall post in each of its offices or places of business where patrons visit for  
11 the purpose of making and receiving shipments, and keep displayed in each  
12 office or place of business, within convenient access and for the inspection and  
13 use of the public during customary business hours, such printed schedule of  
14 rates of charges and any amendments thereto, and shall also post and display  
15 in similar manner any special rules and regulations which may be promulgated  
16 by them or said commission, for the information of shippers and the government  
17 of shippers: *Provided, however,* that no change in said schedule of rates or  
18 charges shall become effective until they have been filed with and are approved  
19 by said commission, and until after five days shall have elapsed between the  
20 dates of filing and the time when such rates shall become effective if the rates  
21 are to be reduced, and ten days if the rates are to be advanced.

22 Nor shall such common carrier charge, demand, collect or receive a greater  
23 or less or a different compensation for such transportation of property or for  
24 any service in connection therewith, between the points named in such schedule,  
25 than the rates and charges which are specified in the schedules filed and in  
26 effect at the time, nor shall such common carrier refund or remit in any man-  
27 ner or by any device any portion of the rate so specified, nor extend to any  
28 shipper any privileges or facility in receiving, storing, handling or forwarding  
29 of property, except as specified in such schedules. Any carrier, any officer,  
30 representative or agent of a carrier who knowingly violates the provisions of  
31 the foregoing paragraph shall forfeit to the State of Illinois the sum of five  
32 hundred dollars for each offense. Every distinct violation shall be a separate  
33 offense. The forfeitures herein imposed shall be recovered by the commission  
34 in the manner provided by law.

Sec. 4. Each and every person or persons, firms, organizations or corpo-  
2 rations engaged in the business of transporting or carrying property, money,  
3 parcels, merchandise, packages and other things, wholly within the State of



4 Illinois and known as express companies or carriers of express, shall file with  
5 the commission certified copies of all contracts or agreements now existing or  
6 hereafter entered into by or between themselves and any other express com-  
7 pany, or with any railroad company operating within the State of Illinois, and  
8 shall also file with said commission printed copies of all schedules and charges,  
9 tariffs, classifications, rules and regulations, together with any changes or  
10 amendments thereto that may be promulgated from time to time for the govern-  
11 ment of shippers and articles above described, and also all changes in said  
12 schedules, tariffs, classifications, regulations and rules as prescribed and defined  
13 in section 3 of this Act.

14 And it shall be the duty of the commission to take cognizance of all said  
15 contracts, agreements, schedules, tariffs, rates, classifications, rules and regu-  
16 lations and in the event of any of the terms or conditions contained in them  
17 or either of them are injurious to or inconsistent with the public welfare or  
18 work to the detriment of the public, communities, or individuals, to cause the  
19 same to be immediately changed, amended, abrogated or annulled as may be  
20 deemed proper by said commission after full and sufficient hearing has been  
21 given the parties so complained of or accused. The express company or car-  
22 rier affected shall be forthwith notified and a full hearing of the case had, as  
23 in other proceedings before the commission, and all carriers interested may be  
24 made parties. If the commission is of the opinion after such hearing and in-  
25 vestigation that the rates and charges as filed and published, or the privileges,  
26 facilities and regulations published in connection therewith are unreasonable  
27 or otherwise in violation of law, it shall determine what are and will be reason-  
28 able and shall prescribe same, and shall order the carrier or carriers to file,  
29 and publish on or before a certain day, to take effect on a certain day, schedules  
30 in accordance with the decision of the commission.



Sec. 5. In the event any shipper or shippers' organization located within the State of Illinois shall file complaint with said commission, wherein it is charged that any or either of such express companies or carriers by express are charging, demanding, or receiving rates or prices for the transportation of property as described in this Act, that are injurious to or discriminating against any shipper or community located wholly within the State of Illinois, it shall be the duty of said commission to immediately furnish such accused carrier with a copy of the complaint so filed against it or them, and to set a date, as early as practicable, for a hearing of all parties in interest and to require attendance of each party at such time and place as may be determined upon by said commission. Said commission shall then proceed to hear the complaint under such rules of practice as may be provided for in such cases by said commission. After a full hearing during which each party shall be entitled to be heard, said commission shall render its decision which shall at once become binding alike upon all parties in interest unless and until such decision is suspended, amended, abrogated or annulled by the courts on an appeal being taken from such decision by either party to a court of competent jurisdiction within this State. Notice of such appeal to be filed with said commission within fifteen days after its decision has been rendered.

At such hearing or hearings before the commission, copies of contracts, agreements, tariffs, classifications, schedules, rules and regulations that may have been filed by express companies, or either of them, shall be considered *prima facie* what they purport to be in evidence or matters that may pertain to them or either of them. In event the decision of the commission require refunding of charges or payment of damages on the part of any said express companies to the complainant shipper or shippers' organization which may represent a shipper or shippers, at the request of such shipper or shippers, if located wholly within the State of Illinois, said express companies shall within

29 twenty days make payment or reclamation to such injured party, and if not  
30 done, or an appeal being taken to the courts in the meantime, they may be  
31 subjected to the penalties prescribed in this Act under section 7.

Sec. 6. If an appeal is taken from the decision of the commission to a  
2 court of competent jurisdiction within the State, upon filing petition the clerk  
3 of such court wherein the petition for appeal is filed, shall at once notify the  
4 commission that such petition has been filed, and the commission shall there-  
5 upon, within twenty days from the receipt of such notice, cause to be filed in  
6 such court a complete copy of all proceedings had before it in such cause, which  
7 shall include the pleadings, the testimony and exhibits, together with the re-  
8 port and opinion of the commission and its orders in the premises. If it is  
9 impracticable to send up a copy of any exhibit, the exhibit itself may be for-  
10 warder.

11 If either party desires to take additional testimony for use in the court he  
12 may apply to such court, and if the court is of the opinion that such testimony  
13 is material to the disposition of the case and either could not have been or,  
14 under all the circumstances, ought not to have been taken before the commission,  
15 it may instruct the commission to take and send up further testimony, and  
16 thereupon such testimony shall be taken before said commission and duly certi-  
17 fied to said court.

18 The case as certified from the commission, together with any additional  
19 testimony taken as above, shall be the record upon which it shall be heard by  
20 the court. If the court, upon such record, is of the opinion that the order of  
21 the commission was not lawful, just and reasonable one, it shall vacate the  
22 order, otherwise, it shall dismiss the proceeding in review. In either case it  
23 shall file with its decision a statement of the reasons upon which that decision  
24 proceeds, which shall be certified to the commission. If the order is vacated  
25 the commission may proceed to reopen the case for further hearing or to dis-

pose of it by the making of a new order upon the then record, and for any subsequent order there shall be the same right of review. Upon filing of a petition for review the court may, upon such notice to the commission, as the court deems proper, extend the time within which such order or findings of the commission shall take effect, not to exceed forty days from the date of service upon the carrier.

The court may also, if upon an inspection of the record it plainly appears that the order proceeds upon some error of law, or is unjust and unreasonable on the facts, and not otherwise, suspend the operation of the order during the pendency of the proceedings in review, or until further order of the court.

Either party may appeal from the judgment of the court in the same manner that an appeal is taken in equity causes.

The copies of schedules and tariffs, of rates and charges, and of all contracts, agreements or arrangements between such common carriers filed with the commission as herein provided, as required by the provisions of this Act, shall be preserved as public records in the custody of the commission and shall be received as *prima facie* what they purport to be for the purpose of investigation by the commission and in all judicial proceedings, and copies of, or extracts from, any of said schedules, tariffs, contracts, agreements, classifications, or arrangements, as aforesaid, certified by the secretary of the commission under its seal, shall be receivable in evidence with like effect as the original.

Sec. 7. Each and every express company or carrier by express as herein defined, doing business within the State of Illinois, shall at all convenient times during the hours of business accept and receive for prompt transportation and shipment destined to points on their own line, or to points on the lines of other express companies operating within the State of Illinois, or for points beyond a said state, all property, parcels, money, merchandise, packages and other things of value which may be offered to them, or either of them, for transporta-



tion by the public: *Provided*, That the payment of charges may be demanded and received in advance of such forwarding or transportation, not in excess of the rates and tariffs herein provided for in this Act, and if the destination is to points beyond the State of Illinois, at a rate not in excess of that which is prescribed and adopted by said company and its connections and shown by printed tariff or rates: *Provided, however*, That no article which may be declared under such schedules, tariffs, rules or regulations, as being of excess bulk or weight, or a menace to health or the safety of the public, or otherwise prohibited by law, shall be required to be accepted by said express companies.

Any express company or other common carrier refusing to transport goods, as above provided, taking the same in the order presented, shall be liable to the party injured for damages sustained by reason of its refusal, and shall also be liable to a penalty of not less than five nor more than five hundred dollars, to be recovered in each case by the owner of the goods, in any court having jurisdiction in the county where the wrong is done, or where the common carrier resides or has its agents. And each case of refusal shall be construed as a separate offense under this Act.

Sec. 8. Every express company or carrier by express, as defined in this Act, doing business in the State of Illinois, which shall charge, demand, collect or receive a greater compensation than that which may be prescribed and fixed by said commission for the transportation of any kind or class of property as described in this Act, shall be deemed guilty of extortion and shall forfeit and pay to the State of Illinois a sum not to exceed five hundred dollars for each offense: *Provided*, That if it shall appear that such violation was not wilful, said company or carrier shall have ten days in which to refund such overcharge or damage to the injured party, and if such refund is made the penalty shall not be incurred.



11 And said commission shall have authority, and it shall be its duty, to sue  
12 for and recover the same in the same manner as may be provided by law for  
13 like suits against railroad companies.

Sec. 9. Express companies are required, when they receive goods  
2 for transportation, to give to the shipper, when it is demanded, a  
3 bill of lading, receipt, or other memorandum in writing, stating the  
4 quantity, character, order and condition of the goods and such goods shall be  
5 delivered, in the manner provided by common law, in like order and condition to  
6 the consignee, the unavoidable wear and tear and deterioration in due course of  
7 transportation only excepted, and in case such common carrier shall fail to deliver  
8 goods as above required, they shall be liable to the party injured for his dam-  
9 ages, as at common law, and in case of their refusal to execute and deliver a  
10 bill of lading, receipt, or other memorandum in writing, as above required, they  
11 shall be liable to a penalty of not less than five or more than five hundred dol-  
12 lars, to be recovered as provided for in section 7 of this Act. And any and  
13 all common carriers doing business in the State of Illinois are hereby prohibited  
14 from including in such bills of lading or receipt for goods any restriction or  
15 evasion of the common law liability of such carrier.

Sec. 10. The said commission shall have authority, and it shall be its  
2 duty, to call upon such express companies or carriers by express, for reports,  
3 and investigate their books in the same manner as may be provided by law for  
4 the regulation of railroad companies, and the said commission shall have power  
5 and authority to institute suits, sue out such writs and processes as may be  
6 applicable and authorized by law for the regulation of railroad companies. All  
7 laws, rules, and regulations made and prescribed for the government of rail-

8 roads, in so far as they are applicable, shall be of equal force against all express  
9 companies, or carriers by express in this State.

Sec. 11. All Acts or parts thereof in conflict with this Act are hereby  
2 repealed.

- 1   Reported from Senate, April 27, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to insure greater safety to the lives of the traveling public and prescribing the number of employes to be used in the operation of passenger and freight trains in the State of Illinois and providing a penalty for a violation of this Act.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be unlawful for any person, receiver  
3 or corporation operating a line of railroad situated in whole or in part in the  
4 State of Illinois, or any officer, agent or representative of such person, re-  
5 ceiver or corporation, to run or suffer or permit to be run over its road or  
6 part of its road, outside of yard limits, any passenger train (composed of  
7 passenger, mail, milk, baggage, express, newspaper or stock cars, or other  
8 equipment hauled in passenger trains) having six (6) cars or more, with less  
9 than a full passenger crew, consisting of one engineer, one fireman, one con-  
10 ductor, one brakeman and one flagman (said flagman's place of duty shall be

11 on the rear end of the train for the purpose of protecting it); or to run or  
 12 suffer or permit to be run over its road, or part of its road, outside of yard  
 13 limits, any such passenger train composed of less than six such cars with less  
 14 than a full passenger crew consisting of one engineer, one fireman, one con-  
 15 ductor and one flagman. On passenger trains of more than two cars the said  
 16 flagman shall not be required to perform the duties of baggage master or ex-  
 17 press messenger while on the road.

18 The addition to a train of a car or cars between terminals in this State  
 19 shall not constitute a violation of this section, if said train was manned in ac-  
 20 cordance herewith on leaving terminal.

Sec. 2. It shall be unlawful for any person, receiver or corporation oper-  
 2 ating a line of railroad situated in whole or in part in the State of Illinois, or  
 3 any officer, agent or representative of such person, receiver or corporation, to  
 4 run or suffer or permit to be run over its road, or any part of its road, outside  
 5 of yard limits, any freight or other train (except a passenger train) consist-  
 6 ing of more than fifty (50) freight or other cars with less than a full train  
 7 crew of six persons, to wit: one engineer, one fireman, one conductor, two  
 8 brakemen and one flagman (said flagman's place of duty shall be on the rear  
 9 end of each train for the purpose of protecting it); and it shall be unlawful  
 10 for any such person, receiver or corporation to run or suffer or permit to be  
 11 run over its road, or any part of its road, outside of yard limits, any freight  
 12 or other train (except a passenger train) consisting of less than fifty (50)  
 13 freight or other cars with less than a full crew for such train, consisting of  
 14 five persons, to wit: one engineer, one fireman, one conductor, one brakeman  
 15 and one flagman: *Provided*, that a light engine, without cars, shall have a crew  
 16 consisting of one engineer, one fireman and one conductor or pilot.

Sec. 3. All flagmen referred to in this Act shall have had at least one  
 2 year's experience in train service.



Sec. 4. Any person, receiver or corporation operating a line of railroad  
2 situated in whole or in part in the State of Illinois, or any officer, agent or  
3 representative of such person, receiver or corporation, violating any of the pro-  
4 visions of this Act shall be deemed guilty of a misdemeanor and upon convic-  
5 tion thereof shall be fined not less than two hundred (\$200) dollars nor more  
6 than five hundred (\$500) dollars for each offense; and such persons, receiver  
7 or corporation shall be liable for any damages caused by the violation of any  
8 of the provisions of this Act.

Sec. 5. It shall be the duty of the Board of Railroad and Warehouse  
2 Commissioners, through the Attorney General, to have this law enforced.



- 1 Reported from Senate May 17, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to insure greater safety to the lives of the traveling public and limiting the hours of service of the employes of railroads in the State of Illinois and providing a penalty for a violation of this Act.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person, receiver, or corporation operating a line of railroad situated in whole or in part in the State of Illinois, or any officer, agent or representative of such person, receiver, or corporation to permit, exact, demand, or require any engineer, fireman, conductor, brakeman or flagman, switchman or other yard employe engaged in the movement of passenger, freight or other trains, train dispatcher, telegraph operator or agents acting as operators, to be or remain on duty for a longer period than fourteen (14) consecutive hours, and whenever any such employe of

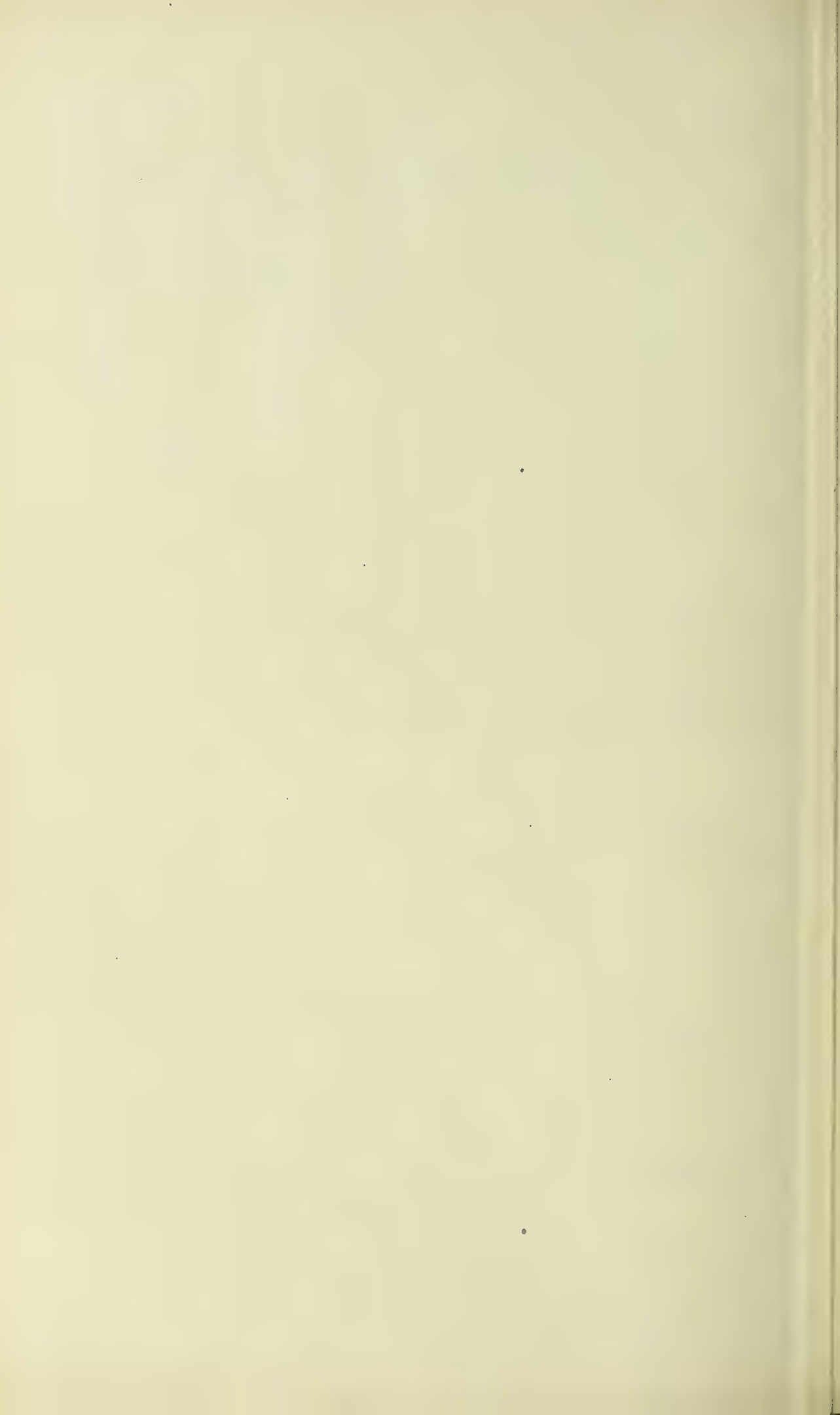
10 such person, receiver or corporation shall have been continuously on duty for four-  
 11 teen (14) hours he shall be relieved and not required or permitted again to go  
 12 on duty until he has had at least ten (10) consecutive hours off duty; and no  
 13 such employe who has been on duty fourteen (14) hours in the aggregate in  
 14 any twenty-four hour period shall be required or permitted to continue or  
 15 again go on duty without having had at least eight (8) consecutive hours off  
 16 duty: *Provided, however,* that this section shall not apply to work performed  
 17 in the protection of life or property in cases of accident, wreck, or other un-  
 18 avoidable casualty, or prevent train crews from taking a passenger train or  
 19 freight train loaded exclusively with live stock or perishable freight to the next  
 20 nearest division point upon such railroad: *And, provided, further,* that it shall  
 21 not apply to the time necessary for the trainmen to reach a resting place when  
 22 an accident, wreck, washout, snow blockade or other unavoidable casualty has  
 23 delayed their train: *And, provided, further,* that the provisions of this Act shall  
 24 not apply to relief or wreck trains while clearing obstructions to the main line  
 25 of any railroad.

Sec. 2. For any violation or failure to comply with the provisions of this  
 2 Act, such person, receiver, or corporation shall be liable to all persons and em-  
 3 ployes injured by reason thereof, and no employe shall in any case be held  
 4 to have assumed the risk incurred by reason of such violation or failure.

Sec. 3. Any such person, receiver, or corporation operating a line of rail-  
 2 road situated in whole or in part in the State of Illinois, or any officer, agent or  
 3 representative of such person, receiver, or corporation violating any of the pro-  
 4 visions of this Act shall be deemed guilty of a misdemeanor, and upon convic-  
 5 tion shall be punished by a fine of not less than one hundred (\$100) dollars  
 6 nor more than five hundred (\$500) dollars for each offense.



Sec. 4. It shall be the duty of the State's attorneys of the various counties of the State of Illinois to enforce all of the provisions of this Act, either by indictment or information or injunction: *Provided*, this Act shall not be construed to prevent the Railroad and Warehouse Commission from beginning any prosecution for the violation of the provisions hereof.



- 1 Reported from Senate, March 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to regulate the size and manner of construction of all caboose cars used by any person, receiver or corporation operating a line or railroad situated wholly or in part within the State.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That it shall be unlawful for any person, receiver  
3 or corporation, operating a line of railroad situated in whole or in part in the  
4 State of Illinois, to require or to permit the use of any caboose cars unless  
5 said caboose cars shall be at least twenty-four feet in length, exclusive of plat-  
6 forms, and shall be provided with a door in each end thereof, and with suit-  
7 able water closets, cupolas, platforms, not less than thirty inches wide across  
8 each end thereof, and that said platforms shall be equipped with guard rails,  
9 grab irons and steps for the safety of persons in alighting or getting on said  
10 caboose cars, and said caboose cars shall be equipped with at least two four-  
11 wheel trucks.

Sec. 2. Any person, receiver or corporation, operating a line of railroad  
2 situated in whole or in part in this State, violating any of the provisions of  
3 section 1 of this Act, shall be deemed guilty of a misdemeanor and upon con-  
4 viction thereof, shall be fined not less than one hundred (\$100) nor more than  
5 five hundred (\$500) dollars for each offense.

Sec. 3. It shall be the duty of the Board of Railroad and Warehouse Com-  
2 missioners to have this law enforced.



AMENDMENTS TO

46th Assem.

Senate Bill No. 62 in House

May 1909

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AMENDMENT NO. 1.

Amend Senate Bill No. 62 in House by striking out of lines 6 and 7, in section 1 of the printed bill, the words "suitable water closets;" also by inserting after the word "cupolas," in line 7, the words, "and with."

AMENDMENT NO. 2.

Amend Senate Bill No. 62 in House by adding thereto a new section, to be known as section 4, as follows:

Sec. 4. The provisions of this Act shall not apply to the use of caboose cars in yard and in transfer service, nor to the use of caboose cars now owned by any railroad or railway company operating in this State; and it is further provided that in case of unusual and unforeseen demands of traffic, caboose cars not of standard construction may be used temporarily, provided that the railway company or companies desiring to use the same shall apply to and obtain an order of the Railroad and Warehouse Commission granting the privilege to temporarily use the same.

AMENDMENT NO. 3.

Amend Senate Bill No. 62 in House by adding to the title thereof the words, "and providing a penalty in the events of failure."



- 1 Reported from Senate, March 31, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 2 of an Act entitled, "An Act for the protection of passengers on railroads and steamboats," approved May 14, 1877, in force July 1, 1877; title as amended by Act approved May 29, 1879, in force July 1, 1879.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the protection of passengers on railroads and steamboats," approved May 14, 1877, in force July 1, 1877; title as amended by Act approved May 29, 1879, in force July 1, 1879, be and the same is hereby amended so as to read as follows:

Sec. 2. That the conductors of all railroad trains and captain or master of any steamboat carrying passengers, within the jurisdiction of this State, shall be invested with police powers while on duty on their respective trains and boats, and may wear a star as a badge of such authority.





1 Reported from Senate May 13, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act making an appropriation for the Illinois State Beekeepers' Association.

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WHEREAS, The members of the Illinois State Beekeepers' Association have  
2 for years given much time and labor without compensation in the endeavor to  
3 promote the interests of the beekeepers of the State; and,

4 WHEREAS, The importance of the industry to the farmers and fruit growers  
5 of the State warrants the expenditure of a reasonable sum for the holding of  
6 annual meetings, the publication of reports and papers containing practical in-  
7 formation concerning bee keeping, therefore to sustain the same and enable this  
8 organization to defray the expenses of annual meetings, publishing reports, sup-  
9 pressing foul brood among bees in the State, and promote the industry in  
10 Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
 2 *in the General Assembly:* That there be and is hereby appropriated for the  
 3 use of the Illinois State Beekeepers' Association the sum of one thousand dol-  
 4 lars (\$1,000) per annum for the years 1909 and 1910. For the purpose of ad-  
 5 vancing the growth and developing the interests of the beekeepers of Illinois, said  
 6 sum to be expended under the direction of the Illinois State Beekeepers' Asso-  
 7 ciation for the purpose of paying the expenses of holding annual meetings, pub-  
 8 lishing the proceedings of said meetings, suppressing foul brood among bees in  
 9 Illinois, etc.

10 *Provided, however,* that no officer or officers of the Illinois State Beekeep-  
 11 ers' Association shall be entitled to receive any money compensation whatever  
 12 for any services rendered for the same, out of this fund.

Sec. 2. That on the order of the president, countersigned by the secre-  
 2 tary of the Illinois State Beekeepers' Association, and approved by the Gov-  
 3 ernor, the Auditor of Public Accounts shall draw his warrant on the Treasurer  
 4 of the State of Illinois in favor of the treasurer of the Illinois State Bee-  
 5 keepers' Association for the sum herein appropriated.

Sec. 3. It shall be the duty of the treasurer of the Illinois State Beekeep-  
 2 ers' Association to pay out of said appropriation on itemized and receipted  
 3 vouchers such sums as may be authorized by vote of said organization on the  
 4 order of the president, countersigned by the secretary, and make annual report  
 5 to the Governor of all such expenditures, as provided by law.

- 1 Reported from Senate, April 29, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act providing for the appointment of a State Inspector of Apiaries, and defining his powers and duties, and to prohibit the sale or disposition of diseased apiaries, and to prescribe certain penalties therefor.

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WHEREAS, The disease known as foul brood exists to a very considerable

2 extent in various portions of the State, which if left to itself will soon ex-

3 terminate the honey bees; and,

4 WHEREAS, The work done by an individual beekeeper or by a State in-

5 spector is useless, so long as the official is not given authority to inspect, and

6 if need be, destroy the disease when found; and,

7 WHEREAS, There is a great loss to the beekeepers and fruit growers of the

8 State each year by the devastating ravages of foul brood;

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor shall appoint a State Inspector of Apiaries, who shall hold his office for the term of two years until his successor is appointed and qualified.

Sec. 2. Said inspector shall, when notified of the existence of the disease known as foul brood among apiaries, examine all such as are so reported and all others in the same locality and ascertain whether or not such disease exists, and if satisfied of its existence, shall give the owner or the person who has the care of such apiaries full instructions as to the manner of treating them. In case the owner of a diseased apiary shall refuse to treat his bees or allow them to be treated as directed by the said inspector, then the said inspector may burn all the colonies and all the combs necessary to prevent the spread of the disease: *Provided*, said inspector shall, before burning, give one day's notice to the owner or other person who has the care of the colonies of bees and comb, that in his judgment should be burned.

Sec. 3. The inspector shall, on or before the second Monday of December in each calendar year, make a report to the Governor and also to the Illinois State Beekeepers' Association stating the number of apiaries visited, the number of those diseased and treated, the number of colonies of bees destroyed and of the expense incurred in the performance of his duties. Said inspector shall receive four dollars for each day actually and necessarily spent in the performance of his duties and be reimbursed for the money expended by him in defraying his expenses, out of the appropriation made to the Illinois State Beekeepers' Association: *Provided*, that the total expenditure for such purposes shall not exceed six hundred dollars per year.

Sec. 4. It shall be unlawful for any owner of a diseased apiary or appliances taken therefrom to sell, barter or give away any such apiary, appli-



ances, or bees from such apiary, expose other bees to the danger of contracting such disease, or refuse to allow the inspector of apiaries to inspect such apiary, or appliances, and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars.



- 1 Reported from Senate, March 31, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act concerning embezzlement of funds and property of fraternal beneficiary societies, corporations and associations, and their subordinate lodges, by officers thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any person who is a member and officer of any fraternal beneficiary society, corporation or association, or subordinate lodge thereof, and as such member is a beneficial owner of any part of any funds or property of any such beneficiary society, corporation, association, or subordinate lodge thereof, who shall embezzle or fraudulently convert to his own use, or take and secrete, with intent so to do, without the consent of the beneficiary society, corporation, association, or subordinate lodge thereof, as the case may be, any funds or property of such beneficiary society, corporation, association, or subordinate lodge thereof, which has come to his pos-

11 session, or is under his care, by virtue of such office, shall be deemed guilty of  
12 larceny, the same as if he had not been or was not a member of any such fra-  
13 ternal beneficiary society, corporation, association, or subordinate lodge there-  
14 of, or one of the beneficial owners of such funds or property; and it shall be  
15 sufficient in any indictment for embezzlement of funds or property of any bene-  
16 ficiary society, corporation, association, or subordinate lodge thereof, to allege  
17 the title to such funds or property to be in the supreme lodge, grand lodge, or  
18 subordinate lodge thereof, by the name by which the same is commonly known,  
19 and it shall not be a defense under such indictment that any officer has a per-  
20 sonal interest in the funds or property.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take effect  
2 and be in force from and after its passage and its approval by the Governor.



- 1 Reported from Senate, March 24, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to give circuit courts of this State, and the superior courts of Cook county, in term time, and judges thereof in vacation, concurrent jurisdiction with the county courts, in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts, and the operation thereof, and to repeal an Act therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That circuit courts of this State, and the superior  
3 courts of Cook county, are hereby given concurrent jurisdiction with county  
4 courts in all matters pertaining to the organization of farm drainage districts,  
5 and farm drainage and levee districts, and the operation thereof; and when pro-  
6 ceedings under this Act are pending in the circuit court, such court shall have  
7 power to make all necessary orders affecting the district or its officers as fully  
8 as is now vested in the county courts; and the clerk of the circuit court shall,  
9 when the proceeding is pending in such court, do and perform in the premises

10 each and all duty or duties required by the clerk of the county court in drain-  
11 age and levee matters, when such proceedings are pending therein; and all  
12 reports, complaints, oaths, affirmations, confirmations and returns, in such mat-  
13 ters required to be made to the county court, shall be made in the circuit court  
14 of this State, and the superior courts of Cook county, when the proceeding is  
15 pending therein.

Sec. 2. That the several judges of the circuit courts of this State and  
2 the superior courts of Cook county are hereby given jurisdiction in vacation  
3 to make all necessary orders and hear and determine any and all matters per-  
4 taining to the organization of farm drainage districts and farm drainage and  
5 levee districts, and the operation thereof, the same as in term time. Any or-  
6 der so made shall be signed by the judge making it and filed and entered of  
7 record by the clerk of the court in which the proceeding is had, and from the  
8 date of such filing shall have like force and effect as if made at a regular term  
9 of such court.

Sec. 3. An Act entitled, "An Act to give circuit courts, in term time, and  
2 judges thereof in vacation, concurrent jurisdiction with the county courts, in  
3 all matters pertaining to the organization of farm drainage districts, and farm  
4 drainage and levee districts, and the operation thereof," approved May 24,  
5 1907, in force July 1, 1907, is hereby repealed.

Sec. 4. WHEREAS, An emergency exists, therefore this Act shall take effect  
2 and be in force from and after its passage.

AMENDMENTS TO

46th Assem.

Senate Bill No. 77 in House

May 1909

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Adopted May 27, 1909.

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AMENDMENT NO. 1.

Amend the title of Senate Bill No. 77 by striking out the last four words thereof and by placing in lieu thereof the words, "all Acts in conflict herewith."

AMENDMENT. NO. 2.

Amend Senate Bill No. 77 by striking out section 3 thereof and by inserting in lieu thereof the following, to be known as section 3:

"Sec. 3. Appeals may be taken from the final orders, judgments and decrees from either of the county or circuit courts to the Supreme Court."

AMENDMENT NO. 3.

Amend Senate Bill No. 77 by striking out section 4 thereof and by inserting the following as section 4:

"Sec. 4. All Acts or parts of Acts in conflict herewith are hereby repealed."

## AMENDMENT NO. 4.

Amend Senate Bill No. 77 by adding the following, to be known as section 5:

“Sec. 5. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.”



- 1   Reported from Senate, May 6, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to provide for the formation and disbursement of a pension fund of municipal employes appointed to their positions under and by virtue of an Aet entitled “An Act to regulate the civil service of cities,” approved and in force March 20, 1895, in cities having a population exceeding one hundred thousand inhabitants.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the city council, in cities having a population

3 exceeding one hundred thousand inhabitants, shall have power, and it shall be

4 its duty to create a “Pension Fund of Municipal Employes under Civil Ser-

5 vice,” which shall consist of amounts retained from the salaries or wages of

6 officers or employes within the classified service, and from such other sources

7 as hereinafter provided, which amounts shall be deducted in equal weekly, bi-

8 weekly or monthly installments from such salaries or wages at the regular time

9 or times of the payment thereof, which said fund, as well as all other sums con-  
10 tributed thereto, under the provisions of this Act, shall be held by the city treas-  
11 urer for the purpose hereinafter specified.

Sec. 2. The term "officer or employe" under this Act shall include all offi-  
2 cers and employes in any department of such city. The comptroller shall de-  
3 duct the amount specified by the board of trustees hereinafter provided for from  
4 the salaries or wages paid by the said city, of each and every officer or employe  
5 coming under the provisions of this Act: *Provided*, said amount shall not exceed  
6 two per cent (2 per cent) of the salary or wages paid said officer or employe for  
7 the entire year; nor shall any one who does not contribute to said fund partici-  
8 pate therein: *And, provided, further*, that this Act shall apply only to those offi-  
9 cers and employes who voluntarily accept and agree to comply with its provis-  
10 ions.

Sec. 3. The city treasurer, subject to the control and direction of the said  
2 board of trustees, shall be the custodian of said pension fund, and shall secure  
3 and safely keep the same, and shall keep books and accounts concerning said  
4 fund, in such manner as may be prescribed by the said board of trustees, which  
5 said books and accounts shall always be subject to the inspection of said board  
6 of trustees or any member thereof.

7 The city treasurer shall, within ten days after his installation into office,  
8 execute a bond to the said city, with good and sufficient sureties in such penal  
9 sum as the said board of trustees shall direct, which said bond shall be approved  
10 by the said board of trustees, and shall be conditioned for the faithful perform-  
11 ance of the duties of said office, and that he will safely keep and well and truly  
12 account for all moneys and property belonging to said pension fund, and all in-  
13 terest thereon which may come into his hands as such treasurer, and that upon  
14 the expiration of his term of office, or upon his retirement therefrom for any

15 cause, he will surrender and deliver over to his successor all unexpended mon-  
16 eys, with such interest as he may have received thereon, and all property in his  
17 hands remaining which may have come to him as treasurer of said pension fund.  
18 Such bond shall be filed in the office of the clerk of said city, and in case of a  
19 breach of the same, or the conditions thereof, suit may be brought on the same in  
20 the name of the said city, for the use of said board of trustees, or any person or  
21 persons injured by such breach.

Sec. 4. The city council shall, in the month of September following the  
2 passage of this Act, arrange for the election of a board of trustees of said pen-  
3 sion fund, composed of five members to be chosen as hereinafter provided,  
4 which election shall be held not later than October 30 of the same year, and  
5 for the purpose of enabling such board of trustees to perform the duties im-  
6 posed and exercise the powers granted by this Act, the board of trustees shall  
7 be and is hereby declared a body politic and corporate. Said board of trustees  
8 shall have power, and it shall be its duty, to administer said fund and to carry  
9 out the provisions of this Act, and invest the accumulation of said funds in  
10 government, state, county or municipal bonds, and the city treasurer shall be  
11 the custodian of said securities.

Sec. 5. Said board shall consist of the comptroller and treasurer of said  
2 city and three officers or employees contributing to said pension fund. The treas-  
3 urer and comptroller of the said city shall be *ex officio* members of said board  
4 of trustees, and the other members shall be elected by ballot by the officers and  
5 employees contributing to said fund at the time and for the terms respectively,  
6 as follows, to-wit: At the first election the contributors to said fund shall elect  
7 one of their number to serve for the term of one year, and one for the term of  
8 two years, and one for the term of three years, and annually thereafter said  
9 contributors shall elect one of their number to hold office for the term of three  
0 years.

Sec. 6. Whenever any elective member of the board of trustees shall cease  
2 to be in the employ of said city, his or her membership in said board of trus-  
3 tees shall cease.

Sec. 7. Said board of trustees shall have the power, and it shall be its duty:

2 (1) To make all payments from such pension fund, pursuant to the pro-  
3 visions of this Act, and to determine the percentages which shall be deducted  
4 from the salaries or wages paid to officers or employees for the benefit of said  
5 pension fund; and to further determine the rate of percentage to be deducted  
6 from the pension of each and every beneficiary or pensioner under this Act, said  
7 amount to remain in said pension fund: *Provided*, Said percentage shall not ex-  
8 ceed the percentage deducted from the salaries or wages of officers or employees.

9 (2) To audit the accounts of said treasurer at least four times each year.

10 (3) To direct the payment of all necessary expenses in connection with the  
11 administration of said fund and carry out the provisions of this Act for which  
12 provision is not otherwise made.

13 (4) To determine the amount to be paid as benefits or annuities under this  
14 Act: *Provided*, That no benefit or annuity shall exceed forty (40) per cent of  
15 the salary or wages received by said beneficiary at the time of his or her re-  
16 tirement: *And, provided, further*, That the sum so received shall not exceed  
17 fifty dollars per month.

18 (5) To take by gift, grant or bequest, or otherwise, any money or prop-  
19 erty of any kind and hold the same for the benefit of said fund.

20 (6) To fill any vacancy or vacancies in said board of trustees until the next  
21 annual election, as hereinbefore provided.

22 (7) To keep a full and complete record of their meetings and of the receipts  
23 and disbursements on account of such fund, and also complete lists of all con-  
24 tributors to said fund and of all persons receiving benefits therefrom, and such



25 other records as in their judgment shall seem necessary, and shall make and  
26 publish annually a full and complete statement of their financial condition.

27 (8) To make and establish all such rules for the transaction of their busi-  
28 ness, and such other rules, regulations and laws as may be necessary for the  
29 proper administration of said fund and the performance of the duties imposed  
30 upon them.

31 (9) To hear and determine all applications for benefits under this Act, and  
32 to suspend any annuity or benefits whenever in their judgment the disability of  
33 such beneficiary has ceased, or for other good cause.

34 (10) To purchase, hold, sell or assign and transfer any of the securities in  
35 which said fund or any part thereof may be invested, subject to the approval  
36 of the board of trustees.

37 (11) To exempt any of said employes from the operation of this Act,  
38 whenever in its judgment the interests of said fund shall render such exemption  
39 necessary and advisable.

40 (12) To compromise, settle or liquidate any claim against said fund, by  
41 surrendering the contribution or contributions of any individual or individuals,  
42 and make the necessary rules, prescribing the terms under which such settle-  
43 ments may be made, providing there shall be no rule allowing restitution of de-  
44 ductions from salaries after the contributor shall have become eligible to an  
45 annuity under this Act.

Sec. 8. Any contributor to said fund who shall have attained the age of  
2 fifty-five (55) years, and shall have been in the service of said city for a period  
3 of twenty (20) years, and shall have contributed to the said fund for the period  
4 of ten (10) years, shall have the right of retiring and becoming a beneficiary  
5 under this Act, and to receive such benefit or annuity from said fund as is pro-  
6 vided by this Act: *Provided*, That said officer or employe become a contributor  
7 to said fund within one year after the passage of this Act, or within one year

8 after he or she became an officer or employe of said city: *Provided, further*  
9 That all contributors shall pay continuously (except as hereinafter provided)  
10 from the time of enrollment as a contributor until the benefit acquired under  
11 this Act expires. The said beneficiary, while living and a resident of the  
12 United States, shall, at all times during his or her retirement, receive monthly  
13 twenty-five (25) per cent of the monthly salary or wages received by him or her  
14 from said municipality at the time of his or her retirement: *Provided, however,*  
15 The said sum shall not exceed the sum of fifty dollars per month.

Sec. 9. Upon the death of any contributor who is not nor has been a bene-  
2 ficiary under this Act for more than three years, in order that he or she may re-  
3 ceive decent burial, a sum not to exceed one hundred dollars may be expended  
4 by said board of trustees as it may determine.

Sec. 10. Any person who has contributed to said fund for a period of ten  
2 (10) years or more may retire from the service of the said city on account of  
3 serious disability, rendering him or her unable to properly discharge his or her  
4 duties, and may become a beneficiary under this Act, and shall thereupon be  
5 entitled to receive benefits for a period of two (2) years, which may be extended  
6 upon proof of continued disability.

Sec. 11. An employe who has been contributing to said fund for ten (10)  
2 years or more, and who shall resign or be dismissed from the service of said  
3 city, may, upon application made within three (3) months after the date of such  
4 dismissal or resignation, receive one-half of the total amount paid into said fund  
5 by such person so resigned or dismissed: *Provided, That* in case any person so  
6 dismissed shall have been in the service of said municipality for a period of  
7 twenty (20) years, he may continue the payment of his premiums, until eligible  
8 to a benefit under this Act, such payments to be made at the same rate in force  
9 at time of dismissal, to the city treasurer in monthly installments.

Sec. 12. The comptroller of said city shall certify monthly to the treasurer all amounts deducted in accordance with the provisions of this Act from the salaries paid by the said city, which amounts, as well as all other sums contributed to said fund under the provisions of this Act, shall be set apart and held by said treasurer for the purpose hereinbefore specified, subject to the order of said board of trustees, and shall be paid out upon warrants signed by the president and secretary of said board of trustees.

Sec. 13. No portion of said pension fund shall, either before or after its order of distribution by said board to any beneficiary of said pension fund, be held, seized, taken, subjected to or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever issued out of or by any court of this State, for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against such beneficiary; but said fund shall be sacredly held, kept, secured and distributed for the purpose provided for by this Act.

Should a contributor to said fund be absent from the service of the city for any cause whatever for a period when it is impossible for the comptroller to make deductions, then, upon the payment of a sum of money into the pension fund equal to an amount which would have been deducted from the salary of the contributor if such absence did not occur, he or she may resume membership in the fund on returning to work: *Provided*, The period of such absence shall not exceed one (1) year.

Should a contributor to said fund be transferred to the water works, water, police, fire or electrical departments, and who is eligible to become a member of the pension fund in any of said departments, either through his own desire or for any purpose whatever, his or her interest in said fund shall cease forthwith, and upon application by him or her there shall be paid to him or her an amount equal to one-half of that paid in by him or her.

Sec. 14. The corporation counsel of said city shall be the legal adviser of  
2 the board of trustees of said pension fund.

Sec. 15. This Act shall not apply to employes of the police department,  
2 fire department, water department or water works, or department of electricity  
3 or employes of the house of correction where such employe is eligible to member-  
4 ship in the pension fund of any of said departments.

Sec. 16. Any person who shall directly or indirectly avoid or seek to avoid  
2 any or all the provisions of this Act, or who shall directly or indirectly inter-  
3 fere with, or obstruct the enforcement of any of the provisions of this Act, shall  
4 be guilty of a misdemeanor, and shall, on conviction thereof, be punished by  
5 a fine of not less than fifty dollars (\$50) and not exceeding one thousand dollars  
6 (\$1,000) or by imprisonment in the county jail for a term not exceeding six (6)  
7 months, or both such fine and imprisonment, in the discretion of the court.

Sec. 17. All laws and parts of laws which are inconsistent with the provi-  
2 sions of this Act, or any provisions hereof, are hereby repealed.



1 Reported from Senate Feb. 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to prohibit the killing, interfering with or injuring carrier pigeons and to provide punishment for the violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any person not the owner thereof, who shall  
3 shoot, kill, maim or injure any Antwerp or homing pigeon, commonly called  
4 "carrier pigeon," knowing the same to be such, or who shall entrap, catch, de-  
5 tain, or shall remove any mark, band or other means of identification from such  
6 pigeon, provided that such pigeon at the time shall have the name of the owner  
7 stamped or marked upon it, or have upon it a band with the owner's name,  
8 initial or number thereon, shall be fined for each offense not more than \$25.00  
9 nor less than \$10.00.



- 1   Reported from Senate Feb. 25, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A   BILL

For an Act to amend section 3 of an Act entitled “An Act to provide for the fees of certain officers therein named in counties of the third class, to-wit: Sheriff, recorder and county clerk,” approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of an Act entitled “An Act to provide for the fees of certain officers therein named in counties of the third class, to-wit: Sheriff, recorder and county clerk,” approved May 16, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

6                                      FEES OF COUNTY CLERKS.

7            Sec. 3. For each license and taking bond for ferry, toll-bridge, turnpike road, tavern, saloon, grocery or peddler, two dollars.

9 For issuing each marriage license, sealing, filing and recording the same,  
10 and the certificate thereto (one charge), one dollar and fifty cents.

11 For each copy of rates for ferry, toll-bridge or turn-pike road, twenty-five  
12 cents.

13 For taking and certifying to the acknowledgment of a deed, power of attor-  
14 ney, or other writing and sealing the same, twenty-five cents.

15 For filing certificate in case of estrays, entering the same and furnishing  
16 notices for publication thereof( one charge), seventy-five cents.

17 For recording all papers and documents required by law to be recorded in  
18 the office of the county clerk, for every one hundred words, ten cents.

19 For swearing any person to an affidavit, not to be used in a case in the  
20 court of which he is a clerk, with certificate and seal, twenty-five cents.

21 For certificate and seal, not in a case in a court whereof he is clerk, twenty-  
22 five cents.

23 For making and certifying a copy of any paper or record in his office, for  
24 every one hundred words, ten cents.

25 For filing papers in his office, for each paper filed, ten cents.

26 For making transcript of taxable property for the assessors, three cents  
27 for each tract of land or town lot, and for extending taxes, three cents for each  
28 tax on each tract or lot, and each person's personal tax, to be paid by the au-  
29 thority for whose benefit the transcript is made and the taxes extended; and it  
30 shall be the duty of the county clerk to certify to the county collector the amount  
31 due from each authority, and the collector, in his settlement with such author-  
32 ity, shall reserve such amount from the amount due and payable by him to such  
33 authority.

34 The following fees shall be allowed for services in matters of taxes and  
35 assessments, and shall be charged as costs against the delinquent property, and  
36 collected with the taxes thereon.



37 For entering judgment for each tract or lot, three cents.

38 For services in attending the tax sales, and issuing certificates of sales, and  
39 sealing the same, for each tract or lot, twenty-five cents.

40 For cancelling certificates of sale, for each tract or lot, twenty-five cents.

41 For certificates of deposit for redemption, seventy-five cents; and for fur  
42 nishing estimate of cost of redemption (when deposit for redemption is not  
43 made at the time of furnishing estimate), twenty-five cents.

44 For noting on collector's warrants tax sales subject to redemption, for each  
45 tract or lot of land, ten cents, said fee of ten cents to be paid by either the per-  
46 son making redemption from tax sale, the person surrendering certificate of  
47 sale for cancellation, or the person taking out tax deed.



- 1 Reported from Senate March 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

A BILL

For an Act to establish and maintain a system of free schools.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*  
2 *in the General Assembly:* That on Tuesday next after the first Monday in No-  
3 vember, 1910, and quadrennially thereafter, there shall be elected by the quali-  
4 fied voters of this State a Superintendent of Public Instruction, who shall hold  
5 his office for four years from the second Monday in January next after his  
6 election.

Sec. 2. Before entering upon his duties he shall take and subscribe the  
2 oath of office prescribed by the Constitution, and execute a bond in the penalty  
3 of \$25,000.00, payable to the People of the State of Illinois, with securities to be

4 approved by the Governor, conditioned upon the faithful discharge of his  
5 duties. Such bond and oath shall be deposited with the Secretary of State.

Sec. 3. The duties of the Superintendant of Public Instruction shall be:

2 *First*—To have his office at the seat of government, and to keep a record  
3 of all matters pertaining to the business of his office.

4 *Second*—To file all papers, reports and public documents transmitted to him  
5 by the school officers of the several counties, for each year separately; and to  
6 keep and preserve all other public documents, books and papers relative to  
7 schools, coming into his hands as Superintendant of Public Instruction.

8 *Third*—To supervise all the common and public schools in the State.

9 *Fourth*—To counsel and confer, in such manner as he may deem best, with  
10 experienced and practical teachers as to the best manner of conducting common  
11 schools.

12 *Fifth*—To advise and assist county superintendents of schools, addressing to  
13 them, from time to time, circular letters relating to the best manner of con-  
14 ducting schools, constructing school houses; furnishing the same and examining  
15 and procuring competent teachers.

16 *Sixth*—To be *ex officio* a member of the board of trustees of the Southern  
17 Normal University.

18 *Seventh*—To make such rules and regulations as may be necessary to carry  
19 into efficient and uniform effect the provisions of this Act, and of all laws for  
20 establishing and maintaining free schools in the State.

21 *Eighth*—To be the legal advisor of school officers, and, when requested by  
22 any school officer, to give his opinion in writing upon any question arising  
23 under the school laws of the State.

24 *Ninth*—To hear and determine all controversies arising under the school  
25 laws of the State, coming to him by appeal from a county superintendent of  
26 schools.



27      *Tenth*—To grant certificates to such teachers as may be found qualified  
 28 to receive them, and to suspend the operation of any State certificate for im-  
 29 morality or other unprofessional conduct.

30      *Eleventh*—To visit such of the charitable institutions of the State as are  
 31 educational in their character, to examine their facilities for instruction, and to  
 32 prescribe forms for such reports as he may desire from their superintendents.

33      *Twelfth*—To report to the Governor, on or before the 1st of November, pre-  
 34 ceding each regular session of the General Assembly, the condition of the  
 35 schools in the several counties of the State; the number of schools which have  
 36 been taught in each county in each of the preceding years, commencing on the  
 37 1st of July; the number taught by men and women respectively; the number  
 38 of pupils in attendance; the number of persons in each county under 21 years  
 39 of age, and the number of persons between the ages of 12 and 21 years unable  
 40 to read and write; the amount of township funds; the amount of interest on the  
 41 State or common school fund, and on the township fund, annually paid out;  
 42 the amount raised by an *ad valorem* tax; the amount annually expended for  
 43 schools; the number of school houses, their kind and condition; the number of  
 44 townships and parts of townships in each county; the number of books purchased  
 45 for the use of schools and the cost of the same; the value of apparatus purchased;  
 46 the number of district libraries; together with such other information and sugges-  
 47 tions as he may deem important in relation to the schools and school laws, and the  
 48 means of promoting education throughout the State; which report shall be  
 49 submitted to the General Assembly at each regular session.

Sec. 4. The Superintendent of Public Instruction shall have the following  
 2 powers:

3      *First*—To designate the particular statistics relating to schools which  
 4 school officers are required to report to the county superintendent of schools.

5       *Second*—To authorize the county superintendent of schools to procure such  
6 assistance as may be necessary to conduct teachers' institutes.

7       *Third*—To require the county superintendents of schools to furnish him  
8 with such information as he may desire to include in his report to the General  
9 Assembly.

10       *Fourth*—To require the trustees of school of each township to make, at any  
11 time, a report similar to that required of trustees of schools, on or before the  
12 15th day of July preceding each regular session of the General Assembly.

13       *Fifth*—To require annual reports from the authorities of townships, cities  
14 or districts maintaining schools by authority of special charters.

15       *Sixth*—To remit upon the recommendation of the county superintendent  
16 of schools, or for other good and sufficient reasons, the forfeiture of the school  
17 fund by any township which may have failed to make the reports required by  
18 law.

19       *Seventh*—To require the Auditor of Public Accounts to withhold from the  
20 county superintendent the amount due his county from the State school fund,  
21 or the said county superintendent for his compensation, until the report pro-  
22 vided for in section 7 of this Act shall have been furnished as therein required.

23       *Eighth*—To require the president, principal or other proper officer of every  
24 organized university, college, seminary, academy or other educational institu-  
25 tion, whether incorporated or unincorporated, to submit such report as he may  
26 require in order to lay before the General Assembly a full exhibit of the affairs  
27 and conditions of such institutions and of the educational resources of the  
28 State.

29       *Ninth*—To require the county superintendent of schools, trustees, township  
30 treasurer, directors, or other school officer, to withhold from any township, dis-  
31 trict, officer, or teacher, any part of the common school, township or other  
32 school fund, until such treasurer, officer or teacher shall have made all  
33 schedules, reports and returns required of him by this Act, and until such of-

34 fier shall have executed and filed all official bonds and accounted for all com-  
 35 mon school, township or other school funds which have come into his hands.

COUNTY SUPERINTENDENT OF SCHOOLS.

Sec. 5. On Tuesday next after the first Monday in November, 1910, and  
 2 quadrennially thereafter, there shall be elected by the qualified voters of every  
 3 county in this State a county superintendent of schools, who shall enter upon  
 4 the discharge of his duties on the first Monday of December after his election.

Sec 6. Before entering upon his duties he shall take and subscribe the  
 2 oath prescribed by the Constitution, and execute a bond payable to the People  
 3 of the State of Illinois, with two or more responsible freeholders as security, to  
 4 be approved by the county board or by the judge and clerk of the county court,  
 5 in a penalty of not less than \$12,000.00 conditioned upon the faithful discharge  
 6 of his duties. The bond shall be in the following form, to-wit:

7 STATE OF ILLINOIS, }  
 8 .....County. }ss.

9 Know all men by these presents: That we, A, B, C, D, and E F, are held  
 10 and firmly bound, jointly and severally, unto the People of the State of Illinois,  
 11 in the penal sum of.....dollars, to the payment of which we bind our-  
 12 selves, our heirs, executors and administrators firmly by these presents.

13 In witness whereof we have hereunto set our hands and seals this.....  
 14 day of.....1....

15 The condition of this obligation is such that if A B, county superintendent  
 16 of schools of the county aforesaid, shall faithfully discharge all the duties of  
 17 his office, according to law, and shall deliver to his successor in office all moneys,  
 18 books, papers and property in his hands as such county superintendent of  
 19 schools, then this obligation to be void, otherwise to remain in full force and  
 20 virtue.

21 A.....B .....(Seal)  
 22 C.....D .....(Seal)  
 23 E.....F .....(Seal)



24        This bond shall be filed in the office of the county clerk, and action or actions  
25        upon it may be maintained by any corporate body interested, for the benefit of  
26        any township or fund injured by any breach of its conditions.

      Sec. 7.    On or before the fifteenth of August, annually, the county super-  
2        intendent of schools shall present to the Superintendent of Public Instruction  
3        such information relating to schools in his county as the Superintendent of Pub-  
4        lic Instruction may require.

      Sec. 8.    The county superintendent shall present under oath, or affirmation,  
2        to the county board at its annual meeting in September, and as near quarterly  
3        thereafter as such board may have regular or special meetings, a report of all  
4        his acts as county superintendent, including a list of all the schools visited, with  
5        the dates of visitation.

      Sec. 9.    The county superintendent shall report, in writing, to the county  
2        board, at its regular meeting in September of each year, stating, first, the bal-  
3        ance on hand at the time of the last report, and all receipts since that date,  
4        with the sources from which they were derived; second, the amount distributed  
5        to each of the township treasurers in his county; third, any balance on hand.  
6        At the same time he shall present for inspection his books and vouchers for  
7        all expenditures, and submit in writing a statement of the condition of the insti-  
8        tute fund and of any other funds in his care, custody or control.

      Sec. 10.   The county superintendent shall keep three books, to be known and  
2        designated by the letters A, B, and C, for the following purposes: In book A  
3        he shall record at length all petitions presented to him for the sale of common  
4        school lands, the plats and certificates of valuation made by or under the direc-  
5        tion of the trustees of schools, and the affidavits in relation to the same. In  
6        book B he shall keep an account of all sales of common school lands, including



7 the date of sale, name of purchaser, description of land sold and the selling  
 8 price. In book C he shall keep a regular account of all moneys received or  
 9 paid out; from whom received, on what account, showing whether it is principal  
 10 or interest, the rate of interest, and a description of the real estate taken as  
 11 security; if paid out, to whom, when, and on what account, and the amount:  
 12 the list of sales and the account of each township fund to be kept separate.

Sec. 11. At the regular meeting of the county board, in each year, the  
 2 county superintendent shall present; first, a statement showing the sales of  
 3 school lands made subsequent to the first regular term of the previous year,  
 4 which shall be a true copy of the salebook (book B); second, a statement of the  
 5 amount of money received, paid, and in hand, belonging to each township or  
 6 fund under his control, the statement of each fund to be separate; third, a  
 7 statement copied from his loan book (book C), showing all the facts in regard  
 8 to loans which are required to be stated in the loan book.

Sec. 12. In all cases in which the trustees of schools of any township shall  
 2 fail to prepare and forward, or cause to be prepared and forwarded to the  
 3 county superintendent, the information required of them by this Act, it shall  
 4 be the duty of the county superintendent to employ a competent person to take  
 5 the enumeration and furnish such information, as far as practicable. The per-  
 6 son so employed shall have access to the books and papers of the township to  
 7 enable him to make such statement; and the township treasurer, or other officer  
 8 or person in whose custody such books and papers may be, shall permit such  
 9 person to examine such books and papers at such times and at such places as  
 10 such person may desire for the purposes aforesaid. For such services the county  
 11 superintendent shall pay to the person so employed by him such amount as  
 12 he may judge reasonable, out of any money which is or may come into his  
 13 hands, apportioned as the share of or belonging to such township; and the

14 county superintendent shall proceed to recover and collect the amount so allowed  
15 or paid in a civil action before any justice of the peace in the county, or before  
16 any court having jurisdiction, in the name of the People of the State of Illinois,  
17 of and against the trustees of schools of the township in their individual capac-  
18 ity; and in such suit or suits the county superintendent and the township treas-  
19 urer shall be competent witnesses. The money so recovered, when collected, shall  
20 be paid to the county superintendent for the benefit of the township, to replace  
21 the money taken as aforesaid.

Sec. 13. Whenever the bond of any township treasurer approved by the  
2 trustees of schools, as required by law, shall be delivered to the county super-  
3 intendent of schools, he shall carefully examine the same, and if the instrument  
4 is found to be in all respects according to law, and the securities good and  
5 sufficient, he shall endorse his approval thereon, have it recorded in the record-  
6 er's office, and file the same with the papers of his office; but if the bond is in  
7 any respect defective, or if the penalty is insufficient, he shall return it for cor-  
8 rection. When the bond shall have been received and filed, the superintendent  
9 shall, on demand, deliver to the township treasurer a written statement certi-  
10 fying that his bond has been approved and filed, and that the township treasurer  
11 is entitled to the care and custody, on demand, of all moneys, bonds, mortgages,  
12 notes and securities, and all books, papers and property of every description  
13 belonging to the township.

Sec. 14. Upon receipt of the amount due the county from the State school  
2 fund, the county superintendent shall apportion the same, together with other  
3 funds held for distribution, to the townships and parts of townships in his  
4 county in which schools have been maintained as provided by law, according to  
5 the number of persons under 21 years of age returned to him, and shall pay the  
6 distributive share belonging to each township and fractional township to the

7 respective township treasurers, or other authorized persons, annually: *Pro-*  
 8 *vided, however,* That no part of the State or other school fund shall be paid  
 9 to any township treasurer, or other person authorized to receive it, unless such  
 10 treasurer shall have filed his bond, or, if re-elected, shall have renewed his  
 11 bond and filed the same as required by law.

Sec. 15. It shall further be the duty of each county superintendent of  
 2 schools:

3 *First*—To execute upon notice by the county board, a new bond, conditioned  
 4 and approved as the first bond.

5 *Second*—To sell township fund lands, issue certificates of purchase, report  
 6 to the county board and Auditor of Public Accounts, and perform all other  
 7 duties pertaining thereto.

8 *Third*—To register the names of all applicants for Normal school, and  
 9 University scholarships; to hold, or cause to be held, examinations for the  
 10 same, and to perform such other duties as pertain thereto.

11 *Fourth*—To visit each school in the county at least once a year, noting the  
 12 methods of instruction, the branches taught, the text-books used, and the dis-  
 13 cipline, government and general condition of the schools; in the performance  
 14 of which duty he shall spend at least half his time, and more if practicable, in  
 15 visiting ungraded schools.

16 *Fifth*—To give teachers and school officers such directions in the science,  
 17 art and methods of teaching, and in regard to courses of study, as he may deem  
 18 expedient.

19 *Sixth*—To act as the official adviser and constant assistant of the school  
 20 officers and teachers of his county. In the performance of this duty he shall  
 21 faithfully carry out the advice of the Superintendent of Public Instruction.

22 *Seventh*—To conduct a teachers' institute, to aid and encourage the for-  
 23 mation of other teachers' meetings, and to assist in their management.



24       *Eighth*—To labor in every practicable way to elevate the standard of teach-  
 25 ing, and improve the condition of the common schools of his county.

26       *Ninth*—To examine at least once each year all books, accounts and vouch-  
 27 ers of every township treasurer in his county, and, if he finds any irregularities  
 28 in them, to report the same at once in writing to the trustees, whose duty it  
 29 shall be to take immediately such action as the case demands.

30       *Tenth*—To examine all notes, bonds, mortgages, and other evidences of in-  
 31 debtedness which the township treasurer holds officially, and if he finds that  
 32 the papers are not in proper form, or that the securities are insufficient, he  
 33 shall so state in writing to the board of trustees.

34       *Eleventh*—To give notice of the election of trustees in such cases as are  
 35 specified in section 24 of this Act.

36       *Twelfth*—To give notice of any regular or special election as required by  
 37 section 107 of this Act.

38       *Thirteenth*—To investigate and determine all matters pertaining to changes  
 39 in the boundaries of school districts which may come to him by appeal from  
 40 the decision of the trustees of schools, and to inform the township treasurer  
 41 from whom the papers relating to the matter were received of his decision.

42       *Fourteenth*—To file and keep all the poll books and returns of elections  
 43 required to be returned to him and the reports and statements returned by  
 44 township treasurers and trustees of schools.

45       *Fifteenth*— To hold meetings, at least quarterly, for the examination of  
 46 teachers.

47       *Sixteenth*—To grant certificates of qualification to teach to such persons as  
 48 may be qualified to receive them, and to keep a record of all teachers to whom  
 49 certificates have been granted, and of all teachers employed in his county.

50       *Seventeenth*—To notify the presidents of boards of trustees and the clerks  
 51 of school districts, on or before September thirtieth, annually, of the amount



of money distributed by him to the township treasurer, with the date of distribution.

*Eighteenth*—To keep in his office a map of his county on a scale of not less than two inches to the mile, and to indicate thereon the boundary lines and numbers of all school districts. Districts shall be numbered consecutively. In case of the formation of a new district composed of parts of two or more counties the county superintendents of such counties shall agree upon a number by which such district shall be designated, which number shall not be a duplicate of any number in either of such counties.

*Nineteenth*—To furnish the township treasurers a list of the districts in their respective townships with the consecutive numbers of the same.

Sec. 16. The county superintendent shall have power:

*First*—To require the trustees of each township in his county to make, at any time he may desire, the report provided for in section 36 of this Act.

*Second*—To recommend to the Superintendent of Public Instruction the remission of the penalty provided for a failure of the trustees of schools to make the report required by law.

*Third*—To renew teachers' certificates at their expiration by his endorsement thereon.

*Fourth*—To revoke the certificate of any teacher for immorality, incompetency or other just cause.

*Fifth*—To direct in what manner township treasurers shall keep their books and accounts.

*Sixth*—To bring suit against the county collector for failure to pay the amount due upon Auditor's warrant.

*Seventh*—To remove any school director from office for willful failure to perform his official duties.

17       *Eighth*—To employ, with the approval of the county board, such assistant  
 18 or assistants as he needs for the full discharge of his duties. Such assistants  
 19 shall be persons of good attainments,versed in the principles and methods of  
 20 education, familiar with public school work, and competent to visit schools.

21       *Ninth*—To demand of the trustees of schools certified copies of maps and  
 22 records of school districts as organized. In case of discrepancies or defects  
 23 in defining the boundaries of school districts the county superintendent, or in  
 24 case of a district lying in two or more counties, the county superintendents of  
 25 such counties acting jointly, shall be authorized to define such boundaries in con-  
 26 formity with what may appear to have been the intention of the trustees of  
 27 schools when such boundaries were established.

Sec. 17. In all controversies arising under the school law, the opinion and ad-  
 2 vice of the county superintendent shall first be sought, whence appeal may be  
 3 taken upon a written statement of facts certified by the county superintendent to  
 4 the Superintendent of Public Instruction.

Sec 18. The county superintendent, upon his removal or resignation, or at  
 2 the expiration of his term of office, or in case of his death his representatives,  
 3 shall deliver to his successor in office, on demand, all moneys, books, papers and  
 4 personal property belonging to the office or subject to the control or disposition  
 5 of the county superintendent.

#### TRUSTEES OF SCHOOLS.

Sec. 19. Each congressional township is hereby established a township for  
 2 school purposes. When a fractional congressional township contains fewer  
 3 than two hundred persons under 21 years of age, the trustees of schools, upon  
 4 petition of a majority of the adult inhabitants of such fractional township, may,  
 5 by written agreement with the trustees of any adjacent township, consolidate

6 the territory, school funds and other property of such fractional township  
7 with such adjacent township. Such territory, school funds and other property,  
8 shall thereafter be managed by the trustees of such adjacent and consolidated  
9 township in accordance with the terms of such agreement, in the manner pro-  
10 vided by law. The agreement shall be signed by a majority of the trustees of  
11 each township, and filed for record in the office of the county clerk of the  
12 county in which such consolidated township, or the greater part thereof, is  
13 situated.

Sec. 20. The school business of the township shall be transacted by three  
2 trustees, to be elected by the qualified voters of the township, as hereinafter  
3 provided. Such trustees shall be a body politic and corporate, by the name of  
4 "trustees of schools of township No....., range No.....," according  
5 to the number. Such corporation shall have perpetual existence, with power  
6 to sue and be sued, and to plead and be impleaded, in all courts and places where  
7 judicial proceedings are had.

Sec. 21. No person shall be eligible to the office of trustee of schools who is  
2 not a resident of the township, and at least twenty-one years of age. In case  
3 there are three or more school districts in a township, no two trustees shall re-  
4 side, when elected, in the same school district, nor shall a person be eligible to  
5 the office of trustee of schools and school director at the same time.

Sec. 22. The election of trustees of schools shall be held, in townships  
2 whose boundaries do not coincide with those of towns, on the second Saturday  
3 of April, annually. In townships whose boundaries do coincide with those of  
4 towns as established under the township organization laws, the trustee or  
5 trustees shall be elected at the same time and in the same manner as town of-  
6 ficers. In townships in which no election for school trustees has heretofore been  
7 held, or in townships in which from any cause there are no trustees of schools,

8 or in case of a vacancy or vacancies, the election of trustee or trustees of  
9 schools may be held on any Saturday.

Sec. 23. Notice of the election of trustees shall be given by the township  
2 treasurer, upon the order of the trustees of schools, or, in case of a first election,  
3 by the county clerk, by posting notices at least ten days previous to the time of  
4 such election in not less than five of the most public places in the township,  
5 which notices shall specify the time, place and object of the election, and may  
6 be in the following form, to-wit:

7 NOTICE OF ELECTION.

8 Notice is hereby given that on Saturday, the ..... day of April, 1....  
9 an election will be held at.....for the purpose of electing.....  
10 school trustee....for township No..... Range No..... The polls will be  
11 opened at.....o'clock, ....m., and closed at.....o'clock.....m.

12 By order of the trustees of schools.

13 .....  
14 *Township Treasurer.*

Sec. 24. If the township treasurer shall fail or refuse to give notice of the  
2 regular election of trustees, as required by the foregoing section, and if in case  
3 of a vacancy the remaining trustee or trustees shall fail or refuse to order an  
4 election to fill such vacancy, it shall be the duty of the county superintendent to  
5 order such election.

Sec. 25. If, upon the day appointed for the election of trustees of schools,  
2 the trustees or judges shall be of the opinion that, on account of the small  
3 attendance of voters, the public good requires it, or if a majority of the voters  
4 present shall desire it, they shall postpone the election until the next Satur-  
5 day, at the same place and hour, at which time and meeting the voters shall  
6 proceed as if it were not a postponed or adjourned meeting: *Provided, how-*  
7 *ever,* that if notice shall not have been given of such election, as required by



8 section 23 of this Act, the election may be ordered and held on any Saturday,  
9 notice thereof being given.

Sec. 26. The time and manner of opening, conducting and closing the  
2 election, and the several liabilities appertaining to the judges, clerks and vot-  
3 ers, separately and collectively, and the manner of contesting the election, shall  
4 be the same as prescribed by the general election laws of this State defining  
5 the manner of electing magistrates and constables, so far as applicable, subject  
6 to the provisions of this Act.

Sec. 27. The trustees of schools shall act as judges and choose a clerk of  
2 the election. If the trustees, or any of them, shall fail to attend, or refuse to  
3 act when present, or if from any cause there are no trustees of schools, or not  
4 a sufficient number to act as judges, the qualified voters present shall choose  
5 from among themselves the number of judges required to open and conduct the  
6 election.

Sec. 28. In townships in which for general elections there are more than  
2 two polling places, the trustees shall give notice that polls will be opened for  
3 such elections in at least two places; in which case at least one of the trustees  
4 shall be assigned to each place, so far as practicable, and additional judges  
5 shall be chosen by the qualified voters present: *Provided, however,* that there  
6 shall be at least one polling place for each 800 voters in the township.

Sec. 29. The judges shall return the ballots and original poll books, with  
2 a certificate thereon showing the result of election in such precinct, to the treas-  
3 urer of the township in which the election shall be held, whereupon it shall be  
4 the duty of the trustees of schools, within five days after the election, to meet  
5 and canvass the returns from each precinct, to make out a certificate showing

6 the number of votes cast for each person in each precinct, and in the whole  
7 township, and to file the certificate with the county superintendent of schools.

Sec. 30. Upon the election of trustees of schools, the judges of the elec-  
2 tion shall, within ten days thereafter, cause a copy of the poll book of the elec-  
3 tion to be delivered to the county superintendent of schools, with a certificate  
4 thereon showing the election of trustees and the names of the persons elected;  
5 which copy, with the certificate, shall be filed by the county superintendent  
6 and shall be evidence of such election.

Sec. 31. At the first election of trustees in a newly organized township,  
2 the trustees shall, at their first meeting, cast lots for their respective terms of  
3 office for one, two and three years; and thereafter one trustee shall be elected  
4 annually, at the usual time for electing a trustee of schools, to fill the vacancy  
5 occurring. In case of a tie vote, the election shall be determined by lot, on  
6 the day of the election, by the judges.

Sec. 32. At the first regular election of trustees after the passage of this  
2 Act, a successor to the trustee whose term of office then expires shall be elected.  
3 and thereafter one trustee shall be elected annually. Such trustees shall con-  
4 tinue in office three years.

Sec. 33. Within ten days after the annual election, the trustees of schools  
2 shall organize by appointing one of their number president, who shall hold his  
3 office for one year. It shall be the duty of the president to preside at all meet-  
4 ings of the board and to sign the proceedings thereof when recorded. If the  
5 president be absent from any meeting, or refuse to perform any of the duties  
6 of his office, a president *pro tempore* may be appointed. The president may  
7 be removed by the trustees of schools for good and sufficient cause

Sec. 34. It shall be the duty of the trustees of schools to hold regular semi-  
 2 annual meetings on the first Mondays of April and October. Special meetings  
 3 may be called at any time by the president or by two members. Two members  
 4 shall constitute a quorum for the transaction of business.

Sec. 35. At the regular semi-annual meetings on the first Mondays of  
 2 April and October, the trustees shall ascertain the amount of funds subject to  
 3 distribution, and shall appropriate and distribute the same as required by this  
 4 section, and not otherwise. All valid claims shall be paid before distribution,  
 5 in manner following: First, the compensation of the treasurer; second, the  
 6 cost of publishing the annual statement; third, the cost of a record book, if  
 7 any; fourth, the cost of dividing school lands and making plats. The balance  
 8 shall be apportioned and distributed to the districts and parts of districts in  
 9 the township, in which schools have been kept as required by law during the  
 10 preceding year ending June 30th, according to the number of persons returned  
 11 under 21 years of age. The funds so distributed shall be credited to the respec-  
 12 tive districts and parts of districts.

Sec. 36. The trustees of schools of each township in this State shall pre-  
 2 pare, or cause to be prepared, by the township treasurer, the directors of the  
 3 several districts, or other person, and forward to the county superintendent  
 4 of the county in which the township lies, on or before the 15th day of July,  
 5 annually, and at such other times as may be required by the county superin-  
 6 tendent of schools, or by the Superintendent of Public Instruction, a statement  
 7 exhibiting the condition of the schools in their respective townships for the pre-  
 8 ceding year, commencing on July 1st and ending June 30th, which statement  
 9 shall be in the form, and shall contain the information required by the Super-  
 10 intendent of Public Instruction. Any township from which such report is not



11 received in the manner and time required by law, shall forfeit its portion of  
12 the distributive fund for the next ensuing year.

Sec. 37. In case a township is divided by a county line or lines, the trustees of schools of such township shall make or cause to be made separate enumerations of all statistics and other information required by the Superintendent of Public Instruction, and report the same separately to the several county superintendents; and all parts of such statistical information which cannot practicably be reported separately shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

Sec. 38. At each semi-annual meeting, and at such other meetings as they may think proper the trustees of schools shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order for their security, preservation, collection, correction of errors, if any, and for their proper disposition, as may be necessary.

Sec. 39. The trustees of schools may receive any gift, grant, donation or devise made for the use of any school or library, or for any other school purpose within their jurisdiction. They shall be and are hereby invested in their corporate capacity with the title of all school buildings and school sites. All conveyances of real estate made to the trustees of schools, shall be made to them in their corporate name, and to their successors in office.

Sec. 40. When a school site or building has become unnecessary or unsuitable or inconvenient for a school, the trustees of schools, on petition of a majority of the voters of the district, shall sell and convey the same, after giving at least twenty days' notice of such sale by posting written or printed





Sec. 44. The trustees of schools shall have power to lease or sell any lands  
 2 that may come into their possession in the manner described in either of the  
 3 two preceding sections. The sale shall be made in the manner provided for  
 4 the sale of the sixteenth section.

Sec. 45. The trustees of schools in newly organized townships shall divide  
 2 the township into school districts, to suit the wishes or convenience of a  
 3 majority of the inhabitants of the township, and shall prepare or cause to be  
 4 prepared a map of the township, on which the district or districts shall be  
 5 designated by their respective numbers.

Sec. 46. When such division into districts has been made, the trustees of  
 2 schools may, in their discretion, at the regular meeting in April, change the  
 3 boundaries of districts situated wholly within the township, so as:

4 *First*—To divide a district into two or more districts when petitioned by  
 5 a majority of the legal voters of the district.

6 *Second*—To consolidate two or more districts into one district, when peti-  
 7 tioned by a majority of the legal voters of each district.

8 *Third*—To detach territory from one district and add the same to an adja-  
 9 cent district, when petitioned by a majority of the legal voters of each district;  
 10 or, when petitioned by two-thirds of the legal voters residing within the terri-  
 11 tory described in the petition, asking that such territory be detached from one  
 12 district and added to an adjacent district.

13 *Fourth*—To create a new district from territory belonging to two or more  
 14 districts, when petitioned by a majority of the legal voters of each district; or,  
 15 when petitioned by two-thirds of the legal voters residing within the territory  
 16 described in the petition, containing not fewer than ten families, asking that  
 17 such territory be created into a new district.

18 *Fifth*—To create a new district by dividing the territory of an existing  
 19 district, when petitioned by two-thirds of the legal voters residing within the ter-  
 20 ritory described in the petition, containing no fewer than ten families, asking  
 21 that such territory be created into a new district.

Sec. 47. Changes in the boundaries of districts which lie in separate town-  
 2 ships, and of districts formed of parts of two or more townships, may be made  
 3 at the regular meeting of trustees in April, by the concurrent action of the sev-  
 4 eral boards of trustees in which the district or districts lie, each board being  
 5 petitioned as provided in the preceding section of this Act.

Sec. 48. In school districts having a population of one thousand inhabit-  
 2 ants or more, whether operating under this Act or under a special charter, the  
 3 request for a change of boundary may be submitted to the trustees by vote of  
 4 the people, instead of by petition. The school directors, when petitioned so to  
 5 do by twenty-five legal voters of the district, shall submit the question of the  
 6 change desired to the voters of the district, at a special election called for that  
 7 purpose, and held at least thirty days prior to the regular April meeting of  
 8 trustees. If a majority of the votes cast at such election shall be in favor of  
 9 the change proposed, then, due return of the election having been made to the  
 10 township treasurer, the trustees of schools shall consider and take action the  
 11 same as if petitioned therefor by a majority of the legal voters of such district.  
 12 Such question shall not be so submitted more than once in any year.

Sec. 49. A majority of the legal voters of a district lying in two or more  
 2 townships may secure the dissolution of the district by petitioning the trustees  
 3 of schools of the several townships, at their regular meeting in April, to add  
 4 the territory belonging to the district in their township to one or more adjacent  
 5 districts. Upon receipt of such petition, or the returns of the election, in dis-  
 6 tricts containing one thousand or more inhabitants, the trustees of schools of

7 the several townships shall make such disposition of the territory of the dis-  
 8 trict that lies in their township, and they shall jointly make such division of  
 9 the property of the district between or among the districts to which its terri-  
 10 tory is attached, as provided in the case of the organization of a new district  
 11 from a part of another district.

Sec. 50. If any school district shall, for two consecutive years, fail to  
 2 maintain a public school as required by law, it shall be the duty of the trustees  
 3 of schools of the township, or townships, in which such district lies, to attach  
 4 the territory of such district to one or more adjoining districts; and in case  
 5 the territory is added to two or more districts, to divide the property of the  
 6 district among the districts to which its territory is added, in the manner pro-  
 7 vided for the division of property in case of the organization of a new district  
 8 from a part of another district.

Sec. 51. Any city, township or district in which schools are now managed  
 2 under any special Act, may, by vote of its electors, cease to control its schools  
 3 under such special Act, and become part of the school township or townships in  
 4 which it is situated. Upon petition of 50 voters of such city, township or dis-  
 5 trict, presented to the board having the control and management of the public  
 6 schools, it shall be the duty of such board to cause to be submitted to the voters  
 7 at the next ensuing election to be held in such city, township or district, the  
 8 question of "organizing under the general school law." Notice shall be given by  
 9 posting notices in the five most public places in such city, township or district, at  
 10 least 15 days before the date of holding such election, which notices shall be in  
 11 the following form, to-wit:



## NOTICE OF ELECTION.

12

13 Notice is hereby given, that on the ..... day of ..... 1....  
 14 an election will be held at ..... for the purpose of deciding  
 15 the question of organizing under the general school law. The polls will be  
 16 opened at ..... o'clock ..... m., and closed at ..... o'clock ..... m.

17 (Signed) .....

18 If it shall appear upon a canvass of the returns that a majority of the  
 19 votes cast at such election are in favor of organizing under the general school  
 20 law, then the board having the control and management of schools in such city,  
 21 township or district, shall give notice of an election to be held on any Satur-  
 22 day thereafter according to the provisions of this Act, for the purpose of electing  
 23 a board of directors or board of education, as the case may require, but all sub-  
 24 sequent elections shall be held on the third Saturday of April annually.

Sec. 52. No petition shall be acted upon by the trustees of schools unless  
 2 such petition shall have been filed with the clerk at least twenty days before the  
 3 regular meeting in April, nor unless a copy of the petition, with a notice in writ-  
 4 ing signed by one or more of the petitioners, shall be delivered by the petitioners,  
 5 or one of them, at least ten days before the day on which the petition is to be con-  
 6 sidered, to the president or clerk of the school directors of each district whose  
 7 boundaries will be changed if the petition is granted. Such notice may be in the  
 8 following form, to-wit:

9

## NOTICE OF PETITION.

10 The directors in district No. ....in ..... county, will take  
 11 notice that the undersigned and others have made and filed with the trustees  
 12 of schools their petition, a copy of which is herewith handed to you.

13 (Signed) .....

Sec. 53. When a petition shall come before the trustees of schools asking  
 2 for a change in the boundaries of districts, it shall be the duty of the trustees

3 to ascertain whether the foregoing provisions have been strictly complied with.  
 4 If it shall appear that they, or either of them, have not been complied with, the  
 5 board shall adjourn for not longer than four weeks, in order that the foregoing  
 6 provisions may be complied with. There shall be but one adjournment for such  
 7 purpose.

Sec. 54. If it shall appear on the day of the regular meeting, or in case of  
 2 adjournment at the adjourned meeting, that such provisions have been complied  
 3 with, the trustees shall consider the petition, hear any legal voters of the district  
 4 or districts affected by the proposed change who may appear to oppose the peti-  
 5 tion, and shall grant or refuse the prayer of the petitioners without unreason-  
 6 able delay. After the trustees of schools have considered the petition, no ob-  
 7 jection shall be raised as to its form, and their action shall be *prima facie* evi-  
 8 dence that all requirements have been complied with.

Sec. 55. The petitioners, or the legal voters who appear to oppose the change  
 2 of boundaries, shall have the right of appeal to the county superintendent of  
 3 schools. The appellant shall file with the clerk of the trustees a written notice  
 4 of appeal within ten days after final action by the trustees, which notice may be  
 5 in the following form, to-wit:

6 NOTICE OF APPEAL.

7 To the trustees of schools of township No. .... range No. .... of  
 8 ..... county, Illinois:

9 You are hereby notified that the undersigned will appeal from your decision  
 10 made on the ..... day of ..... 1..... granting  
 11 (or refusing) the prayer of the petition in regard to (here give substance of the  
 12 petition concerned) to the county superintendent of schools of .....  
 13 county, Illinois, as provided by law.

14 (Signed) .....

Sec. 56. When an appeal is so taken the clerk shall transmit, within five  
2 days after the notice of appeal has been filed, all papers in the case, with a  
3 transcript of the records of the trustees showing their action thereon, to the  
4 county superintendent of schools. The clerk shall take no further action in the  
5 matter, except upon the order of the county superintendent, who shall investi-  
6 gate the case, make such change or changes, or refuse to make them, reversing  
7 if need be the action of the trustees, and give the clerk immediate notice of his  
8 decision; and his action shall be final and binding. If the changes asked by the  
9 petitioners be made by the county superintendent, he shall notify, in writing, the  
10 clerk by whom the papers in the case were transmitted to him, of his action.  
11 and the clerk shall thereupon make a record of the same, and shall, within ten  
12 days thereafter, make a copy of the same, and a map of the township showing  
13 the districts, and an accurate list of the taxpayers of the newly arranged dis-  
14 tricts, and deliver them to the county clerk for filing and record by him, the  
15 same as if the changes had been ordered by the trustees.

Sec. 57. In all cases in which the district affected by a proposed change of  
2 boundaries is divided by a county line or lines, the appeal may be taken to the  
3 county superintendent of schools of any one of the counties in which the district  
4 is partly located; and upon appeal being taken in any such case, the county su-  
5 perintendent of schools to whom such appeal is taken, shall forthwith give notice  
6 to the county superintendent or superintendents of schools of the other county or  
7 counties of the pendency of such appeal, and of the time and place when and  
8 where it shall be heard; and the county superintendents of schools of the counties  
9 in which the district is located shall meet at such time and place, and together  
10 hear and determine the appeal. In case the county superintendents shall be  
11 unable to arrive at an agreement, the county judge of the county in which such  
12 appeal is pending shall become a member of the board of appeal, by which the  
13 appeal shall thereupon be heard and determined. The county superintendent



14 of schools to whom such appeal is taken shall at once notify, in writing, the  
 15 clerk by whom the papers in the case were transmitted to him, of the action  
 16 taken on such appeal, as hereinafter provided.

Sec. 58. When a change in boundaries is made by the trustees of schools,  
 2 and no appeal is taken, the clerk shall make and file with the county clerk for  
 3 record, within twenty days of the action of the trustees, a copy of the record of  
 4 such action, certified by the president and the clerk, together with a map of the  
 5 township showing the districts, and a list of the tax payers of the newly or-  
 6 ganized districts.

Sec. 59. In case any territory shall be set off from a district that has a  
 2 bonded debt, the change not being petitioned for by a mapority of the legal  
 3 voters of the district, such original district shall remain liable for the payment  
 4 of such bonded debt, as if not divided. The directors of the original district,  
 5 and the directors of the district into which the territory taken from such original  
 6 district has been incorporated, shall constitute a joint board for the purpose of  
 7 determining and certifying, and they shall determine and certify, to the county  
 8 clerk the amount of tax required yearly for the purpose of paying the interest  
 9 and principal of such bonded debt, which tax shall be extended by the county  
 10 clerk against all property embraced within the original district as if it had not  
 11 been divided.

Sec. 60. When the trustees of schools shall organize a new district, it shall  
 2 be the duty of the clerk of the trustees of schools, if no appeal is taken, to order,  
 3 within 15 days after the action of the trustees, an election, to be held at a con-  
 4 venient time and place within the boundaries of such newly organized district,  
 5 for three school directors, notice being given by the township treasurer, who  
 6 shall post notices of such election in at least three prominent places in the dis-  
 7 trict, at least ten days prior to the time appointed for holding such election.



8 which notices shall specify the place where such election is to be held, the time  
 9 for opening and closing the polls, and the object of the election, and may be in  
 10 the following form, to-wit:

11 NOTICE OF ELECTION.

12 Notice is hereby given that on the..... day of .....  
 13 1 ..... an election will be held at ..... for the purpose of  
 14 electing three school directors for the new district known as district No. ....  
 15 in ..... county, Illinois.

16 The polls will be opened at ..... o'clock ..... m., and closed at .....  
 17 o'clock ..... m.

18 By order of the trustees of schools.

19 (Signed) .....  
 20 *Township Treasurer.*

Sec. 61. At the time appointed for opening the polls for such election,  
 2 the qualified voters present, five of whom shall constitute a quorum, shall  
 3 appoint two of their number to act as judges and one as clerk. The election,  
 4 in all other respects, shall be conducted as other elections of school directors.

Sec. 62. Within ten days after the election the directors shall meet at a  
 2 convenient time and place previously agreed upon by them, and organize by  
 3 appointing one of their number president and another of their number clerk.  
 4 At this meeting of the directors they shall cast lots for their terms of office  
 5 for one, two and three years, respectively.

Sec. 63. In case a new district is organized by the action of the county  
 2 superintendent, the clerk of the trustees of schools shall, within five days after  
 3 he has received notice of the action of the county superintendent on the appeal,  
 4 order an election of directors in the new district the same as if the change had

5 been made by the trustees, and such election shall be held in the same manner  
6 as the election provided for when the trustees have formed a new district.

Sec. 64. When a new district has been formed by the trustees, or by the  
2 county superintendent or county superintendents, from a part of a district or  
3 parts of two or more districts, the trustees of the township or townships con-  
4 cerned shall make forthwith a distribution of tax funds, or other funds in the  
5 hands of the treasurer, or to which the district may at the time of such division  
6 be entitled, so that the old and new districts shall receive parts of such funds  
7 in proportion to the amount of taxes collected next preceding such division  
8 from the taxable property in the territory composing the several districts. If  
9 the new districts be composed of parts of two or more districts, the trustees  
10 shall make distribution of such funds between the new district and the old  
11 districts respectively, so that the new district shall receive a distribution of  
12 the funds of each of the old districts in the proportion which the amount of  
13 taxes collected from the property in the territory of the new district bears to  
14 the whole taxes collected next before the division in the old district; and the  
15 township treasurer shall forthwith place the sum so distributed to the credit of  
16 the respective districts, and shall immediately place the proportion of the funds  
17 to which the new district may be entitled to its credit on his books, and the  
18 funds on hand shall be subject at once to the order of the directors of the new  
19 district, and those not on hand, as soon as collected.

Sec. 65. When a new district is created or within thirty days thereafter,  
2 the trustees of the township or townships concerned shall appoint three  
3 appraisers, who shall not be residents of the township or townships interested.  
4 It shall be the duty of such appraisers, within thirty days after their appoint-  
5 ment, to appraise the school property, real and personal, of the district or dis-

6 tricts interested, at their fair cash value. Within thirty days after such ap-  
 7 praisement, the trustees of the township or townships concerned shall charge  
 8 the property to the district in which it may be found, and credit the other dis-  
 9 tricts interested with its proportion of such valuation: *Provided, however, that*  
 10 the *bona fide* debts of the old district shall first be deducted and the balance  
 11 charged and credited as aforesaid; and the trustees shall direct the treasurer  
 12 to place to the credit of the district not retaining such property, its proportion  
 13 of the value thereof, and of the funds then on hand, or subsequently to accrue,  
 14 belonging to the district to which such property is charged.

Sec. 66. The trustees of schools, elected as provided by this Act, shall be  
 2 the successors to the trustees of schools elected in townships under the pro-  
 3 visions of "An Act to establish and maintain a system of free schools," ap-  
 4 proved May 21, 1889. All rights of property, and rights and causes of action  
 5 existing or vested in the trustees of schools elected as aforesaid, for the use  
 6 of the inhabitants of the township, or any part of them, shall vest in the trus-  
 7 tees of schools elected under this Act, as successors, in as complete a manner as  
 8 was vested in the trustees of schools elected as aforesaid.

#### TOWNSHIP TREASURER.

Sec. 67. Within ten days after the annual election of trustees of schools  
 2 in 1910, and biennially thereafter, the trustees of schools shall elect a treas-  
 3 urer who shall be *ex officio* clerk of the board, and shall hold his office for two  
 4 years. The treasurer shall be a resident of the township, but not a trustee or  
 5 director. It shall be his duty to attend all meetings and keep a record of the  
 6 official proceedings of the trustees of schools. Such record shall be open to  
 7 the inspection of any person interested. All proceedings, when recorded, shall



8 be signed by the president and the clerk. If the clerk shall be absent, or re-  
 9 fuse to perform any of the duties of his office, a clerk *pro tempore* may be  
 10 appointed. For good and sufficient cause the treasurer may be removed from  
 11 office by the trustees of schools. In case of a vacancy the trustees of schools  
 12 shall elect a treasurer for the unexpired term.

Sec. 68. Before entering upon his duties, the township treasurer shall exe-  
 2 cute a bond with two or more free holders who shall not be trustees as securi-  
 3 ties, payable to the trustees of schools and conditioned upon the faithful dis-  
 4 charge of his duties. The penalty of such bond shall be at least twice the  
 5 amount of all bonds, notes, mortgages, moneys and effects of which he is to  
 6 have the custody, and shall be increased from time to time, as the increase of  
 7 the amount of notes, bonds, mortgages and effects may require, and whenever  
 8 in the judgment of the trustees or county superintendent the security is insuffi-  
 9 cient. Such bond shall be approved by at least a majority of the trustees, be  
 10 delivered by one of them to the county superintendent of schools, and shall be  
 11 in the following form, to-wit:

12 State of Illinois, }  
 13 .....County, } ss.

14 *Know all men by these presents:* That we, A B, C D and E F. are held  
 15 and firmly bound, jointly and severally, unto the board of trustees of township  
 16 .....range.....in said county, in the penal sum of.....  
 17 dollars, for the payment of which we bind ourselves our heirs, executors and  
 18 administrators firmly by these presents.

19 In witness whereof we have hereunto set our hands and seals this.....  
 20 day of..... 1.... The condition of this obligation is such that i  
 21 A B, treasurer of township.....range..... in the county aforesaid  
 22 shall faithfully discharge the duties of his office, according to law, and shall  
 23 deliver to his successor in office, after such successor shall have qualified b  
 24 giving bond as provided by law, all moneys, books, papers, securities an  
 25 property which shall come into his hands or control, as such township treas-  
 26 urer, from the date of his bond up to the time that his successor shall hav



27 qualified as township treasurer, by giving such bond as shall be required by  
 28 law, then this obligation to be void; otherwise to remain in full force and  
 29 virtue.

A.....B.....(Seal.)

C.....D.....(Seal.)

E.....F.....(Seal.)

32 Approved and accepted by:

33 G. H.,

34 I. J.,

35 K. L.,

36 Trustees.

Sec. 69. The township treasurer shall receive in full, for his services, a  
 2 compensation to be fixed, prior to his election, by the trustees of schools.

Sec. 70. The township treasurer shall be provided by the trustees of  
 2 schools with a cash book, a loan book, a district account book and a journal.  
 3 In the cash book he shall enter in separate accounts all moneys received and  
 4 moneys paid out, with the amount, date, from whom, to whom and on what  
 5 account received or paid out, or if loaned, the date, to whom, and the amount.  
 6 Moneys received shall be charged to debit account, and moneys paid out shall  
 7 be credited as follows: First, to the principal of the township fund; second,  
 8 to the interest of the township fund; third, to the common school fund and  
 9 other funds; fourth, to the taxes received from the county or town collector,  
 10 and for what districts received; fifth, donations; sixth, moneys coming from all  
 11 other sources; in all cases entering the date when received, and when paid out.

12 In the loan book he shall enter a record of all school funds loaned, with  
 13 the amount, to whom, date, time, when due, and the rate of interest, the interest  
 14 paid, and a description of the securities.

15 In the district account book he shall post from the cash book all receipts  
 16 and expenditures on account of any district, with the amount, date, from or  
 17 to whom, and from what sources and for what purposes.

18 In the journal he shall record at length the acts and proceedings of the  
19 trustees of schools, their orders, by-laws and resolutions.

20 The township treasurer shall arrange and keep his accounts in such  
21 manner as may be directed by the Superintendent of Public Instruction, the  
22 county superintendent of school or the trustees of schools; and they shall be  
23 subject at all times to the inspection of the trustees, the directors or other  
24 persons authorized by this Act or of any committee appointed by the voters  
25 of the township at the annual election of trustees to examine the same.

Sec. 71. The township treasurer shall be the only lawful depository and  
2 custodian of all township and district school funds, and shall demand, receipt  
3 for and safely keep, according to law, all bonds, mortgages, notes, moneys,  
4 effects, books and papers of every description belonging to his township.

Sec. 72. The township treasurer shall keep the principal of the township  
2 fund loaned at interest. The rate of interest, which shall not be less than four  
3 per cent, nor more than seven per cent, per annum, payable annually, shall be  
4 determined by a majority of the trustees of schools at any regular or special  
5 meeting. No loan shall be made for less than one year nor more than five  
6 years. All loans shall be secured by mortgage on unincumbered realty situ  
7 ated in this State, worth at least fifty per cent more than the amount loaned.  
8 with a condition that in case additional security shall be required at any time  
9 it shall be given to the satisfaction of the trustees of schools. In estimating  
10 the value of realty mortgaged to secure the payment of money loaned, the  
11 value of improvements liable to be destroyed may be included; but in such case  
12 the improvements shall be insured for their insurable value in a responsible in-  
13 surance company or companies, and the policy or policies shall be transferred  
14 to the trustees of schools as additional security, and shall be kept so insured until  
15 the loan is paid. Nothing herein shall prevent the township treasurer from

investing the principal of the township fund in bonds issued by the State, the Sanitary District of Chicago, counties, townships and cities in this State, and bonds issued by school directors pursuant to section 195 of this Act. When school funds are held by the treasurer of a district created by any special Act, such funds shall be invested according to the provisions of this section.

Sec. 73. Mortgages to secure the payment of money loaned under the provisions of this Act may be in the following form, to-wit:

I, A B, of the county of.....State of..... do hereby grant, convey and transfer to the trustees of schools of township No.....range No.....in the county of.....and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises), which real estate I declare to be in mortgage for the payment of.....dollars loaned to me and for the payment of all interest that may accrue thereon, to be computed at the rate of.....per cent per annum until paid. And I do hereby covenant to pay the above sum of money in.....years from the date hereof, and to pay the interest on the same annually, at the rate aforesaid. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance. and that I will pay all taxes and assessments which may be levied on said estate, and that I will give any additional security that may at any time be required in writing by the board of trustees; and if said estate be sold to pay said debt or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. And it is further agreed by and between the parties, in case a bill is filed in any court to foreclose this mortgage for non-payment of either principal or interest, that the mortgagor will pay a reasonable solicitor's fee, and the same shall be included in the decree and be taxed as costs; and we, A B, and C, wife of A B, hereby release all right to the said premises which we may have by virtue of any homestead laws of this State, and in consideration of the premises, C, wife of A B, doth hereby release to said board all her right and title of dower in the afore granted premises for the purpose aforesaid.

In testimony whereof, we have hereunto set our hands and seals this .....day of..... 1....

A.....B.....(Seal.)  
C.....D.....(Seal.)



32 Which mortgage shall be acknowledged and recorded as is required by law  
33 for other conveyances of real estate; the mortgagor paying the expenses of  
34 acknowledgment and recording.

Sec. 74. If default be made in the payment of interest due upon money  
2 loaned by any township treasurer, or in the payment of the principal, interest  
3 at the rate of twelve per cent per annum shall be charged upon the principal  
4 and interest from the day of default, which interest shall be included in the  
5 assessment of damages, or in the judgment in the suit or action brought upon  
6 the obligation to enforce payment thereof, and interest at the rate of twelve  
7 per cent per annum may be recovered in an action brought to recover interest  
8 only. The township treasurer is hereby empowered to bring appropriate ac-  
9 tions in the name of the trustees for the recovery of the interest, when due  
10 and unpaid, without suing for the principal, in whatever form secured.

Sec. 75. In all cases in which the trustees of schools shall require addi-  
2 tional security for the payment of money loaned, and such security shall not  
3 be given, the township treasurer shall cause suit to be instituted for the recov-  
4 ery of the principal and accrued interest to the date of judgment. Proof shall  
5 be made of such requisition.

Sec. 76. Bonds, mortgages, notes and other securities taken for money or  
2 other property due, or to become due, to the trustees of schools for the town-  
3 ship, shall be made payable to them in their corporate name; and in such  
4 name, suits, actions and complaints, and every description of legal proceed-  
5 ings may be had for the recovery of money, breach of contracts and for every  
6 legal liability which may at any time arise or exist, or upon which a right of  
7 action shall accrue to the use of such corporation.

Sec. 77. On or before the 30th day of June, annually, the township treas-  
2 urer shall deliver to the county superintendent of schools, a statement, verified



3 by his affidavit, showing the exact condition of the township funds. Such state-  
4 ment shall contain a description of all bonds, mortgages, notes and other securi-  
5 ties, held as principal of the township fund, giving names, dates, amounts, rates  
6 of interest, when due, and other data necessary to a full understanding of the  
7 condition of the funds.

Sec. 78. On the first Mondays in April and October of each year, the town-  
2 ship treasurer shall submit to the trustees of schools a statement showing the  
3 amounts of interest, rents, issues and profits on township lands and funds, that  
4 have accrued since their last regular meeting, and also the amount of distribu-  
5 tive funds on hand. He shall submit also to the trustees for their examination  
6 all books, mortgages, bonds, notes and other evidences of indebtedness held by  
7 him as treasurer of the township, and shall make such other statements touch-  
8 ing the duties of his office as the trustees may require.

Sec. 79. The township treasurer shall present to the trustees of schools  
2 at their meeting following the annual election, a complete exhibit of the fiscal  
3 affairs of the township, and of the several districts or parts of districts in the  
4 township, showing the receipts of money, the sources from which they have been  
5 derived, the deficit and delinquencies, if there be any, and the cause of them, and  
6 also a classified statement of moneys paid out, and the amount of obligations re-  
7 maining unpaid.

Sec. 80. The township treasurer shall, within two days after the first Mon-  
2 day of April, and on July 15, annually, prepare for each district or part of dis-  
3 trict in the township a statement or exhibit of the exact condition of the account  
4 of such district or part of district, as shown by his books on April 1 and June  
5 30 of each year. Such statement or exhibit shall show the balance on hand at  
6 the time of making the last exhibit, the amount since received, when and from  
7 what sources; and also the amount paid out during that time, to whom paid, and

8 for what purpose, and the statement shall be balanced, and the balance shown.  
 9 It shall be the duty of the treasurer to comply with any lawful demand the trus-  
 10 tees may make as to the verification of any balance reported by the treasurer to  
 11 be on hand. The exhibit shall be subscribed and sworn to by the treasurer be-  
 12 fore any officer authorized to administer an oath, and shall be without delay, de-  
 13 livered or transmitted by mail to the clerk of the proper district.

Sec. 81. The township treasurer shall pay out no funds of any school district  
 2 except upon an order of the board of directors, signed by the president and clerk,  
 3 or by a majority of the board. When an order issued for the wages of a teacher  
 4 is presented to the treasurer and is not paid for want of funds, the treasurer  
 5 shall endorse it over his signature, "not paid for want of funds," with the date  
 6 of presentation, and shall make and keep a record of such endorsement. Such  
 7 order shall thereafter draw interest at the legal rate until paid, or until the  
 8 treasurer shall notify the clerk in writing that he has funds to pay such order,  
 9 and the treasurer shall make and keep a record of such notices, and hold the  
 10 funds necessary to pay such order until it is presented. Such order shall draw  
 11 no interest after notice is given to the clerk.

Sec. 82. It shall also be the duty of the township treasurer:

2 *First*—To return to the county clerk, on or before the second Monday of  
 3 August in each year, the certificate of tax levy made by each board of school  
 4 directors in his township.

5 *Second*—To pay all lawful orders issued by the directors of any district  
 6 in his township.

7 *Third*—To collect from the township and county collectors the full amount  
 8 of taxes levied by the directors in his township.

9 *Fourth*—To examine the official records of each district in the township on  
 10 the first Mondays in April and October of each year.

11 *Fifth*—To keep a correct account between districts when pupils are trans-  
 12 ferred from one district to another.

13 *Sixth*—To give notice of the election of trustees, and in case of the forma-  
 14 tion of a new school district, of the election of school directors.

15 *Seventh*—To give notice of any regular or special district election when the  
 16 directors fail or refuse to do so.

17 *Eighth*—To publish in some newspaper of his county an annual statement  
 18 of the finances of the township.

19 *Ninth*—To file all poll-books and returns of election delivered to him under  
 20 the provision of this Act.

Sec. 83. When a district is composed of parts of two or more townships,  
 2 any treasurer not authorized to receive the taxes of such district shall notify  
 3 the directors of the amount of funds held by him to the credit of such district,  
 4 and the directors shall thereupon give the proper treasurer an order for such  
 5 funds.

Sec. 84. The township treasurer, at the expiration of his term of office, or  
 2 upon his removal or resignation, or in case of his death his representatives,  
 3 shall deliver to his successor all moneys, books, mortgages, notes and securities,  
 4 and all papers and documents of every description in which the corporation has  
 5 any lawful interest.

#### TOWNSHIP HIGH SCHOOLS.

Sec. 85. Upon petition of fifty or more legal voters of any school township,  
 2 filed with the treasurer at least fifteen days preceding the regular election of  
 3 trustees, it shall be the duty of the treasurer to give notice of an election to  
 4 be held at the next regular election of trustees for the purpose of voting "for"  
 5 or "against" the proposition to establish a township high school. Notices of



6 such election shall be posted in at least ten of the most public places throughout  
 7 the township, for at least ten days before the day of such regular election,  
 8 and may be in the following form:

9 NOTICE OF ELECTION.

10 Notice is hereby given that on Saturday, the.....day of April, 1....  
 11 an election will be held at.....for the purpose of voting "For" or  
 12 "Against" the proposition to establish a township high school for the benefit  
 13 of township number..... range number..... The polls will be opened  
 14 at.....o'clock....m. and closed at.....o'clock....m.

15 A.....B.....

16 *Township Treasurer.*

17 The ballots of such election shall be canvassed as in other elections, and  
 18 may have thereon the name of the person or persons whom the voter desires for  
 19 trustee or trustees of schools.

Sec. 86. If a majority of the votes cast shall be in favor of establishing a  
 2 township high school, it shall be the duty of the trustees of schools to call a  
 3 special election on any Saturday within sixty days, for the purpose of electing  
 4 a township high school board of education, to consist of five members, notice  
 5 of which election shall be given for the same time and in the same manner as  
 6 provided in the election of trustees of schools. The members elected shall de-  
 7 termine by lot, at their first meeting, the length of term each is to serve. Two  
 8 of the members shall serve for one year, two for two years, and one for three  
 9 years from the second Saturday of April next preceding their election. At the  
 10 expiration of the term of office of any member or members, a successor or suc-  
 11 cessors shall be elected, each of whom shall serve for three years, which sub-  
 12 sequent election shall be held on the same day and in the same manner as the  
 13 election of trustees of schools. In case of a vacancy, the board shall call an  
 14 election without delay, to be held on any Saturday. Within ten days after  
 15 their election the members of the township high school board of education shall



16 meet and organize by electing one of their number president, and by electing  
17 a secretary. It shall be the duty of such high school board of education to  
18 establish, at some central point most convenient to a majority of the pupils  
19 of the township, a high school for the education of the more advanced pupils.

Sec. 87. Two or more adjoining townships, or two or more adjoining  
2 school districts, whether in the same or different townships, may, upon peti-  
3 tion of at least fifty legal voters in each of the townships or school districts,  
4 or if a school district contains fewer than 150 voters, then by at least one-third  
5 of the legal voters of such district, and upon an affirmative vote in each of such  
6 townships or districts, at an election held pursuant to the provisions of section  
7 85 of this Act, establish and maintain in the manner provided for township  
8 high schools, a high school for the benefit of the inhabitants of the territory  
9 described in such petition.

Sec. 88. The inhabitants of any territory composed of parts of adjoining  
2 townships, who are now maintaining a high school and who have elected a  
3 board of education, may create such territory into a high school district by a  
4 petition signed by fifty legal voters of such district and an affirmative vote in  
5 such district, and may elect a board of education therefor, as in other high  
6 school districts.

Sec. 89. Any school district having a population of two thousand  
2 inhabitants or more may, in the manner herein provided for establishing and  
3 maintaining a township high school establish and maintain a high school for  
4 the benefit of the inhabitants of such school district, and elect a board of edu-  
5 cation therefor with the same powers conferred on township high school boards  
6 of education.

Sec. 90. When any city in this State having a population of not less than  
2 one thousand and not exceeding one hundred thousand inhabitants, lies within

3 two or more townships, that township in which a majority of the inhabitants of  
4 the city reside shall, with the city, constitute under this Act a school township  
5 for high school purposes.

Sec. 91. For the purpose of building school houses, supporting the school  
2 and paying other necessary expenses, the territory for the benefit of which a  
3 high school is established under any of the provisions of this Act, shall be  
4 regarded as a school district, and the board of education thereof shall, in all  
5 respects, have the power and discharge the duties of school directors, for such  
6 district.

Sec. 92. When any district desires to discontinue the high school, the treas-  
2 urer, upon petition of a majority of the legal voters of the district filed at least  
3 fifteen days preceding the regular election of trustees of schools with the  
4 treasurer of such district, shall give notice of an election to be held on the day  
5 of the regular election of trustees, for the purpose of voting "For" or  
6 "Against" the proposition to discontinue the township high school, which no-  
7 tice shall be given in the same manner, and for the same length of time, and  
8 in substantially the same form, as the notice provided for in section 85 of this  
9 Act. The ballots for such election shall be canvassed in the manner provided  
10 for in section 85 of this Act. If a majority of the votes cast at such election  
11 shall be in favor of discontinuing the high school, the trustees of schools shall  
12 surrender the assets of the high school to the district fund of the township or  
13 townships interested in proportion of the assessed valuation of the townships or  
14 parts of townships comprising such district.

Sec. 93. When any township in any county under township organization  
2 shall contain two political towns divided by a navigable stream as recognized  
3 by the United States, each of which shall contain a city of not less than one  
4 thousand nor more than one hundred thousand inhabitants, each town shall con-  
5 stitute a township under this Act for high school purposes.

Sec. 94. A township or part of a township in which there is no township high school may be annexed, in the manner hereinafter provided, to an adjacent township in which a township high school has been established. Upon petition of five per cent of the legal voters of the territory to be annexed, and of the township to which annexation is desired, filed with the treasurers of the respective townships at least fifteen days preceding the regular election of trustees of schools, the respective treasurers shall give notice to the voters concerned that an election for or against annexing the township or part of a township, as the case may be, will be held at the next regular election of trustees of schools in each township, by posting notices of such election in at least ten of the most public places in the territory to be annexed, and in the adjacent township, at least ten days before the date of such regular election. Such notice may be in the following form, to-wit:

#### HIGH SCHOOL ANNEXATION.

Notice is hereby given that on Saturday, the ..... day of April, 1...., an election will be held at ..... for the purpose of voting "For" or "Against" the proposition to annex for township high school purposes the following territory, to-wit: (Here insert the number and range of the township when the whole of the township is to be annexed, or when part of a township is to be annexed insert the said part of said township), to Township Number ....., Range No. .... (Township having an established high school).

The polls will be opened at ..... o'clock ..... m., and closed at ..... o'clock ..... m.

A ..... B.....  
*Treasurer.*

When less than the whole of a township is to be annexed, only the voters in the territory to be annexed shall have the right to vote, and the trustees of schools shall provide a voting place for that territory and the judges and clerks of such election.

Sec. 95. If petitions request the township treasurers, respectively, to submit said question at a special election, it shall be the duty of the township



3 treasurers to call the respective elections, as provided in the foregoing sec-  
4 tions, for some day and hour not exceeding thirty days from the date of the  
5 filing of the petition; and to give at least ten days' notice of the election, in  
6 which event the polls of the election shall be open in at least two polling places  
7 and for at least four consecutive hours, and the polling places in the respective  
8 townships shall be designated and fixed by the treasurers respectively.

9       If a majority of the votes cast in the township having an established high  
10 school, and a majority of the votes cast in the territory to be annexed, shall  
11 be in favor of the proposition, the township or territory, as the case may be,  
12 shall be and become so annexed, and the property in such township or territory  
13 shall thereafter be subject to taxation for the support and maintenance of the  
14 township high school, including the payment of any bonded indebtedness of such  
15 township high school, and interest thereon, thereafter falling due, as fully and  
16 to the same extent as is provided by law for the levying of taxes upon property  
17 for the support and maintenance of township high schools. The taxes collected  
18 from such township or territory annexed for the support and maintenance of a  
19 township high school shall be paid by the officer collecting the same to the town-  
20 ship treasurer of the township having the established high school.

Sec. 96. Such election shall be held in the manner provided by law for the  
2 holding of elections for township trustees of schools, and the ballots of such  
3 election shall be canvassed, and the returns thereof made as in other school  
4 elections. If a majority of the votes cast shall be in favor of the proposition,  
5 it shall be the duty of the township treasurer of the township which is annexed,  
6 or part thereof, as the case may be, to file a certificate with the county clerk of  
7 the county in which such township is located, or if such township is situated in  
8 more than one county, with the respective clerks of such counties, certifying  
9 to the territory so annexed and giving a description thereof.

Sec 97. Upon the petition of not less than fifty voters of any high school  
2 district, filed with the township treasurer at least fifteen days preceding the



3 regular election of members of the board of education for such high school district,  
 4 it shall be the duty of the treasurer to notify the voters of such district that an  
 5 election "for" or "against" the establishment of a manual training depart-  
 6 ment for such high school will be held at the next annual election of the board  
 7 of education by posting notices of such election in at least ten of the most public  
 8 places throughout the township for at least ten days before the day of such  
 9 regular election, which notice may be in the following form, to-wit:

#### 10 HIGH SCHOOL ELECTION.

11 Notice is hereby given that on Saturday, the.....day of April, 1.....  
 12 an election will be held at.....for the purpose of  
 13 voting "For" or "Against" the proposition to establish a manual training de-  
 14 partment for the high school in township No....., range No.....  
 15 The polls will be opened at.....o'clock.....m., and closed at.....  
 16 o'clock.....m.

17 .....  
 18 *Township Treasurer.*

19 The ballots for such election shall be canvassed as in other elections, and  
 20 may have on them the names of the persons voted for at such election. If a  
 21 majority of the votes cast shall be in favor of establishing a manual training  
 22 department for the high school in such district, it shall be the duty of the board  
 23 of education to establish and maintain therein such department as a part of the  
 24 high school.

#### COUNTY NORMAL SCHOOLS.

Sec. 98. In each county adopting township organization, the board of su-  
 2 pervisors, and in other counties the county court, may establish a county nor-  
 3 mal school for the purpose of fitting teachers for the common schools. They  
 4 shall be authorized to levy taxes and appropriate moneys for the support of  
 5 said schools, and also for the purchase of necessary grounds and buildings, fur-

6 niture, apparatus, etc., and to hold and acquire, by gift or purchase, either  
 7 from individuals or corporations, any real estate buildings or other property,  
 8 for the use of said schools, said taxes to be levied and collected as all other  
 9 county taxes: *Provided, however,* that in counties not under township organi-  
 10 zation, county courts shall not be authorized to proceed under the provisions  
 11 of this Act until the subject shall have been submitted to a vote of the People,  
 12 at a general election, and it shall appear that a majority of all the votes cast  
 13 on the subject, at said election, shall be in favor of the establishment of a  
 14 county normal school. The ballots used in voting on this subject may read:  
 15 "For a county normal school" or "Against a county normal school."

Sec. 99. The management and control of said school shall be in a county  
 2 board of education, consisting of not less than five nor more than eight per-  
 3 sons, of which board the chairman of the board of supervisors, or the judge of  
 4 the county court, as the case may be, and the county superintendent of  
 5 schools, shall be *ex-officio* members. The other members shall be chosen by the  
 6 board of supervisors or county court, and shall hold their offices for a term  
 7 of three years. But at the first election one-third shall be chosen for one year,  
 8 one-third for two years, and one-third for three years, and thereafter one-third  
 9 shall be elected annually. Said elections shall be held at the annual meeting  
 10 of the board of supervisors in September, or at the September term of the  
 11 county court, as the case may be.

Sec. 100. Said board of education shall have power to hire teachers, and  
 2 to make and enforce all needful rules and regulations for the management of  
 3 said schools. A majority of the board shall constitute a quorum for the trans-  
 4 action of business, and a meeting of the board may be called at any time by  
 5 the president or secretary, or by any three of the members thereof. Said board  
 6 shall proceed to organize within twenty days after their appointment, by elect-

ing a president, who shall hold his office for one year. The county superintendent shall be *ex-officio* secretary of the board. Said board shall make to the board of supervisors at their annual meeting in September, or to the county court at the September term, as the case may be, a full report of the condition and expenditures of said county normal school, together with an estimate of the expenses of said school for the ensuing year.

Sec. 101. Two or more counties may unite in establishing a normal school, in which case the per cent of tax levied for the support of said school shall be the same in each county.

Sec. 102. In all counties that have already established normal schools, the action of the board of supervisors in so doing, and all appropriations made by them for their support, are hereby legalized, and said board of supervisors are hereby authorized and empowered to make further appropriations for the support of such school already established, until such schools have been established under the previous sections of this Act.

#### SCHOOL DIRECTORS.

Sec. 103. In all school districts having a population of fewer than one thousand inhabitants, and not governed by any special Act, there shall be elected a board of directors to consist of three members.

Sec. 104. The directors of each district shall be a body politic and corporate, by the name of "school directors of district No. .... county of. .... and State of Illinois," and by that name may sue and be sued in all courts and places where judicial proceedings are had.

Sec. 105. Any person not a treasurer, or a trustee of schools, who has attained to the age of 21 years, who is a resident of the school district and able

3 to read and write the English language, shall be eligible to the office of school  
4 director.

Sec. 106. The annual election of school directors shall be on the third Sat-  
2 urday of April. At the first regular election of directors after the passage of  
3 this Act, a successor to the director whose term of office then expires shall be  
4 elected, and thereafter one director shall be elected in each district, annually,  
5 who shall hold his office for three years. When vacancies occur by removal  
6 from the district or otherwise, the remaining director or directors shall, with-  
7 out delay, order an election to fill such vacancies, which election shall be held  
8 on Saturday.

Sec. 107. Notice of all elections in organized districts shall be given by  
2 the directors at least ten days previous to the day of election. Such notice  
3 shall be posted in at least three of the most public places in the district, shall  
4 specify the place where such election is to be held, the time of opening and  
5 closing the polls, and the question or questions to be submitted, and may be  
6 in the following form, to-wit:

7 NOTICE OF ELECTION.

8 Notice is hereby given, that on Saturday, the.....day of April, 1....,  
9 an election will be held at.....for the purpose of electing.....  
10 school director....for district No.....in.....county.

11 The polls will be opened at.....o'clock ....m., and closed at .....  
12 o'clock ....m.

13 Dated this.....day of....., 1....

14 A..... B.....*President.*  
15 C..... D.....*Clerk.*

16 Should the directors fail or refuse to order any regular or special elec-  
17 tion, it shall be the duty of the township treasurer, or if the township treas-  
18 urer fails to do so, of the county superintendent, to order such election within  
19 ten days.



Sec. 108. Two of the directors ordering an election shall act as judges,  
2 and one as clerk. If the directors, or any of them, shall fail to attend an elec-  
3 tion, or shall refuse to act when present, and in elections to fill vacancies, the  
4 legal voters assembled shall choose such additional members as may be neces-  
5 sary to act as judges and clerk of the election. If the directors or judges  
6 shall be of the opinion that on account of the small attendance of voters the  
7 public good requires it, or if a majority of the voters present desire it, they  
8 shall postpone the election until the next Saturday, at the same time and  
9 place. If notice shall not have been given as required, the election shall be held  
10 on any Saturday, notice being given as required by law. In case of a tie, the  
11 judges shall decide the vote by lot on the day of election.

Sec. 109. Within ten days after the election, the judges shall cause the  
2 poll-book to be delivered to the township treasurer, with a certificate showing  
3 the election of directors and the names of the persons elected; which poll-book  
4 shall be filed by the treasurer, and shall be evidence of the election. In a dis-  
5 trict divided by a township line the poll-books shall be returned to the treas-  
6 urer who receives the taxes of the district.

Sec. 110. Within ten days after the annual election, the directors shall  
2 meet and organize by appointing one of their number president, and another of  
3 their number clerk. The clerk shall at once report to the proper treasurer or  
4 treasurers the names of the president and clerk so appointed.

Sec. 111. The directors shall hold regular meetings at such times as they  
2 may designate, and special meetings at the call of the president or any two  
3 members. No official business shall be transacted by the directors except at a  
4 regular or a special meeting. Two directors shall constitute a quorum for the  
5 transaction of business. If the president or clerk be absent from any meeting,

6 or refuse to perform his official duties, a president or a clerk *pro tempore* shall  
7 be appointed.

Sec. 112. The clerk shall keep in a punctual, orderly and reliable manner,  
2 a record of the official acts of the board which shall be signed by the presi-  
3 dent and the clerk, and submitted to the township treasurer for his inspection  
4 and approval on the first Mondays of April and October, and at such other  
5 times as the treasurer may require. On all questions involving the expendi-  
6 ture of money, the yeas and nays shall be taken and entered on the records of  
7 the proceedings of the board.

Sec. 113. On or before the seventh day of July, annually, the clerk shall  
2 report to the treasurer having the custody of the funds of his district, such sta-  
3 tistics and other information in relation to the schools of his district as the  
4 treasurer is required to include in his report to the county superintendent of  
5 schools.

Sec. 114. The board of directors shall have the following additional  
2 duties:

3 *First*—To make, at the annual election of directors, to the voters there  
4 present, a detailed report of receipts and expenditures, and transmit a copy  
5 of the same within five days to the township treasurer.

6 *Second*—To report to the county superintendent within ten days the names  
7 of all teachers employed, with the dates of the beginning and end of their  
8 contracts.

9 *Third*—To provide for the revenue necessary to maintain schools in their  
10 district.

11 *Fourth*—To determine, in case of a district composed of parts of two or  
12 more townships, which treasurer is to receive the taxes of the district, and to  
13 notify the collectors in writing accordingly.

14 *Fifth*—To adopt and enforce all necessary rules and regulations for the  
 15 management and government of schools of their district.

16 *Sixth*—To visit and inspect the schools as the good of the schools may  
 17 require.

18 *Seventh*—To appoint all teachers and fix the amount of their salaries.

19 *Eighth*—To direct what branches of study shall be taught, what text books  
 20 and apparatus shall be used, and to enforce uniformity of text books in the  
 21 schools; but they shall not permit books to be changed oftener than once in  
 22 four years.

23 *Ninth*—To establish and keep in operation for at least six months in each  
 24 year, and longer if practicable, a sufficient number of free schools for the  
 25 accommodation of all persons in the district over the age of six and under  
 26 twenty-one years, and to secure for all such persons the right and opportunity  
 27 to an equal education in such schools.

28 *Tenth*—To purchase, at the expense of the district, a sufficient number of  
 29 the text books used to supply children whose parents are unable to buy them.  
 30 Such text books shall be loaned only, and the directors shall require the  
 31 teacher to see that they are properly cared for and returned at the end of  
 32 each term of school.

33 *Eleventh*—To deliver to the township treasurer on or before the seventh  
 34 day of July, annually, all teachers' schedules made and certified as required  
 35 by law.

36 *Twelfth*—To pay no public money to any teacher unless such teacher at  
 37 the time of his or her employment shall have held a certificate of qualifica-  
 38 tion obtained under the provisions of this Act, and shall have kept and fur-  
 39 nished schedules as required by this Act, and shall have satisfactorily ac-  
 40 counted for books, apparatus and other property of the district that he may  
 41 have taken in charge.

42       *Thirteenth*—To cause a copy of the township treasurer's report of the  
 43 financial condition of the district to be entered upon the records of the dis-  
 44 trict, and to post the same at the front door of the building where the annual  
 45 election of directors is held.

Sec. 115. The board of school directors shall be clothed with the follow-  
 2 ing powers:

3       *First*—To purchase a suitable book for their records.

4       *Second*—To allow the clerk a reasonable compensation for his services.  
 5 payable out of money not otherwise appropriated.

6       *Third*—To dismiss a teacher for incompetency, cruelty, negligence, immor-  
 7 ality or other sufficient cause.

8       *Fourth*—To assign pupils to the several schools in the district; to admit  
 9 non-resident pupils when it can be done without prejudice to the rights of  
 10 resident pupils; to fix rates of tuition, and to collect and pay the same to the  
 11 township treasurer for the use of the district.

12       *Fifth*—To suspend or expel pupils guilty of gross disobedience or mis-  
 13 conduct, and no action shall lie against them for such expulsion or sus-  
 14 pension.

15       *Sixth*—To provide that children under twelve years of age shall not be  
 16 kept in school more than four hours daily.

17       *Seventh*—To appropriate school funds for the purchase of libraries and  
 18 apparatus, after provision has been made for the payment of all necessary  
 19 school expenses.

20       *Eighth*—To sell at public or private sale any personal property belonging  
 21 to the school district, and not needed for school purposes.

22       *Ninth*—To grant special holidays whenever in their judgment such action  
 23 is advisable, but no deduction shall be made from the time or compensation of  
 24 a teacher on account of such days.



25       *Tenth*—To have the control and supervision of all school houses in their  
 26 district, and to grant the temporary use of them, when not occupied by  
 27 schools, for religious meetings and Sunday schools, for evening schools and  
 28 literary societies, and for such other meetings as the directors may deem  
 29 proper.

30       *Eleventh*—To decide when a site or building has become unnecessary, un-  
 31 suitable, or inconvenient for a school.

32       *Twelfth*—To borrow money, and issue bonds for the purposes and in the  
 33 manner provided by this Act.

34       *Thirteenth*—To furnish each school with a flag and staff, as provided by  
 35 law.

36       *Fourteenth*—To establish classes having an average attendance of not  
 37 fewer than fifteen pupils for the instruction of crippled children over the age  
 38 of six and under twenty-one years.

39       *Fifteenth*—To establish classes for the instruction of deaf children over  
 40 the age of three and under twenty-one years: *Provided, however,* that no  
 41 person shall be employed to teach the deaf who shall not have received in-  
 42 struction in the methods of teaching the deaf for a term of not less than  
 43 one year.

44       *Sixteenth*—To establish kindergartens for the instruction of children be-  
 45 tween the age of four and six years, when authorized by a majority of the  
 46 votes cast at an election held for that purpose under the provisions of sec-  
 47 tion 198 of this Act: *Provided, however,* that the tuition or other expenses of  
 48 such kindergartens shall be defrayed from the local tax and from the spe-  
 49 cial school revenue of the district: *And, provided, further,* that no one shall  
 50 be employed to teach in a kindergarten who does not hold a certificate issued  
 51 as provided by law certifying that the holder has been examined upon kin-  
 52 dergarten principles and is competent to teach the same.

Sec. 116. Every order issued by the school directors shall state for what  
 2 purposes or on what account it is issued, and shall be in the following form,  
 3 to-wit:

4 \$..... STATE OF ILLINOIS, ..... 1.....

5 THE TREASURER OF TOWNSHIP

6 No..... Range No..... in ..... County,  
 7 Pay to the order of.....  
 8 the sum of..... Dollars,  
 100

9 for .....  
 10 .....

11 By order of the Board of Directors of  
 12 District No..... in said County..... President.  
 13 Order No..... Clerk.

14 An order paid in full and properly endorsed shall be a sufficient receipt  
 15 for the purposes of this Act. The school directors shall issue no order, except  
 16 for teachers' wages, unless at the time there are sufficient funds in the hands  
 17 of the treasurer to pay it.

Sec. 117. When there is no money in the treasury to defray the ordinary  
 2 and necessary expenses of the district, the directors may issue warrants  
 3 against and in anticipation of any taxes levied for the payment of the ordi-  
 4 nary and necessary expenses of the district, to the extent of 75 per cent of  
 5 the total amount of the tax levied. Such warrants shall show upon their face  
 6 that they are payable solely from the taxes when collected, and shall be re-  
 7 ceived by any collector of taxes in payment of the taxes against which they  
 8 are issued. And such taxes shall be set apart and held for their payment.

Sec. 118. The directors shall pay the wages of teachers monthly. Upon  
 2 the receipt of a schedule properly certified the directors shall forthwith issue  
 3 and deliver to the teacher an order on the township treasurer for the amount

4 named in the schedule. Such order shall state the rate and time for which  
5 the teacher is paid. It shall not be lawful for the directors to issue an order  
6 until they have duly certified to the schedule; nor shall it be lawful for the  
7 directors, after the date for filing schedules as fixed by law, to certify any sched-  
8 ule not delivered to them before that date, when such schedule is for time  
9 taught before the first of July preceding, nor to give an order in payment of  
10 a teacher's wages for the time covered by such delinquent schedule.

Sec. 119. It shall not be lawful for a board of directors to purchase or  
2 locate a school house site, or to purchase, build or move a school house, or  
3 to levy a tax to extend schools beyond nine months, without a vote of the  
4 people at an election called and conducted as required by section 198 of this  
5 Act. A majority of the votes cast shall be necessary to authorize the direct-  
6 ors to act. If no locality shall receive a majority of the votes, the directors  
7 may select a suitable site. The site selected by either method shall be the  
8 school house site for such district.

Sec. 120. In case the compensation for the school house site cannot be  
2 agreed upon, it shall be the duty of the directors to have such compensation  
3 determined in the manner provided by law for the exercise of the right of emi-  
4 nent domain: *Provided, however,* that no tract of land outside the limits of  
5 any incorporated city or village, and within forty rods of the dwelling of the  
6 owner of the land, shall be taken for a school site without the owner's consent.

Sec. 121. Pupils may be transferred from one district to another upon  
2 the written consent of a majority of the directors of each district, which writ-  
3 ten consent shall be filed with the treasurer and shall be evidence of such con-  
4 sent. The duty of collecting the amount due on account of pupils transferred  
5 shall devolve upon the directors of the district in which the school was taught.



7 the school board of the district in which such pupils reside, from the funds of  
 6 the parent or guardian of such pupil is unable to pay tuition, shall be paid by  
 5 board of such district where such high school is located. The tuition, in case  
 8 the district. But the tuition in no case shall exceed the per capita cost of  
 4 pupils reside, or in any adjoining county, by and with the consent of the school  
 9 maintaining the high school selected. The parent, or guardian, with the ap-

Sec. 122. The graduates of the eighth grade in any school district in this  
 2 State in which no high school is maintained, shall, upon the payment of tuition,  
 3 be admitted to the high school of any district in the county in which such  
 10 proval of the school board of the home district, shall be authorized to select  
 11 the high school to be attended by such pupils: *Provided, however,* that the  
 12 high school selected shall offer a program of studies extending through four  
 13 school years: *And, provided, further,* that the application of this section shall  
 14 not relate to districts that offer work in the ninth and tenth grades, except  
 15 to pupils that have completed the work in such grades.

#### BOARDS OF EDUCATION.

Sec. 123. In all school districts having a population of not fewer than  
 2 one thousand and not more than one hundred thousand inhabitants, and not  
 3 governed by special Acts, and in such other districts as may hereafter be  
 4 ascertained by any special or general census to have such population, there  
 5 shall be elected a board of education to consist of a president, six members  
 6 and three additional members for every additional ten thousand inhabitants:  
 7 *Provided, however,* that in no case shall such board consist of more than fif-  
 8 teen members. When such board of education is the successor of the school di-  
 9 rectors, all rights of property, and all rights regarding causes of action exist-  
 10 ing or vested in such directors, shall vest in it as fully and completely as they  
 11 were vested in the school directors.



Sec. 124. Incorporated cities and villages, except such as have control of  
 2 schools by special Acts, shall remain parts of the school townships in which  
 3 they are situated and be subject to the provisions of this Act.

Sec. 125. The president of the board of education shall be elected annu-  
 2 ally, at the time the members of the board are elected, and shall hold his office  
 3 for the term of one year. He shall preside at all meetings, but shall have no  
 4 vote except in case of a tie. He shall perform such duties as are imposed by  
 5 law upon presidents of boards of directors, or such as may be imposed upon  
 6 him by the board of education.

Sec. 126. The election of boards of education shall be governed by the  
 2 provisions of this Act relating to the election of boards of directors: *Pro-*  
 3 *vided, however,* that boards of education shall have power to establish a suit-  
 4 able number of voting precincts, and fix the boundaries thereof for the accom-  
 5 modation of the voters of the district in which such election is held, in each  
 6 of which voting precincts there shall be one polling place designated by the  
 7 board. Whenever the board of education shall establish more than one voting  
 8 precinct for such election they shall appoint two judges and one clerk for each  
 9 polling place, assigning so far as practicable at least one member of such  
 10 board to each polling place. When the time for the election of members of  
 11 boards of education or boards of inspectors is fixed by virtue of any special  
 12 Act, such election may be held at the time provided for the election of school  
 13 directors.

Sec. 127. The board of education shall have all the powers of school di-  
 2 rectors, be subject to the same limitations, and in addition thereto they shall  
 3 have the power, and it shall be their duty:

4 *First*—To establish and support free schools for not less than six nor more  
 5 than ten months in each year.

6       *Second*—To repair and improve school houses and furnish them with the  
7 necessary fixtures, furniture, apparatus, libraries and fuel.

8       *Third*—To examine teachers by examinations supplemental to any other  
9 examination, and to employ teachers and fix the amount of their salaries.

10       *Fourth*—To establish schools of different grades, to adopt regulations  
11 for the admission of pupils into the same, and to assign pupils to the several  
12 schools.

13       *Fifth*—To buy or lease sites for school houses with the necessary grounds:  
14 *Provided, however,* that it shall not be lawful for such board of education  
15 to purchase or locate a school house site, or to purchase, build or move a  
16 school house, unless authorized by a majority of all the votes cast at an  
17 election called for such purposes in pursuance of a petition signed by not  
18 fewer than five hundred legal voters of such district, or by one-fifth of all  
19 the legal voters of such district: *And, provided, further,* that if no locality  
20 shall receive a majority of all the votes cast at such election, the board of  
21 education may, if in their judgment the public interest requires it, proceed to  
22 select a suitable school house site; and the site so chosen by them in such  
23 case shall be legal and valid the same as if it had been determined by a  
24 majority of all the votes cast; and the site so selected shall be the school  
25 house site for such district; and said district shall have the right to take  
26 the same for the purpose of a school house site, either with or without the  
27 owner's consent, by condemnation or otherwise: *And, provided, further,* that  
28 all school house sites heretofore located or selected by boards of education  
29 in cases in which at an election duly called and held as herein provided, no  
30 site received a majority of the votes cast, are hereby legalized and made valid  
31 school house sites in and for the district for which they were so located and  
32 selected.

33       *Sixth*—To levy a tax to extend schools beyond a period of ten months, in  
34 each year, upon a petition of a majority of the voters of the district.

35      *Seventh*—To employ a competent superintendent who may be required to  
 36 act as principal or teacher in such schools.

37      *Eighth*—To divide the district into sub-districts, to create new ones, and  
 38 to alter or consolidate them.

39      *Ninth*—To dismiss and remove any teacher, whenever in their opinion he  
 40 is not qualified to teach, or whenever in their opinion the interests of the  
 41 school may require it.

42      *Tenth*—To apportion the pupils to the several schools.

43      *Eleventh*—To appoint a secretary who shall keep a faithful record of all  
 44 their proceedings.

45      *Twelfth*—To prepare and publish annually in some newspaper, or in  
 46 pamphlet form, a report including the school attendance in the year preceding,  
 47 the program of studies, the number of persons between the ages of twelve and  
 48 twenty-one unable to read and write, and a statement of the receipts and ex-  
 49 penditures, with the balance on hand.

50      *Thirteenth*—To request the trustees of schools, in writing, to convey any  
 51 real estate or interest therein used for school purposes, or held in trust for  
 52 schools.

#### BOARDS OF EDUCATION IN CITIES OF 100,000.

Sec. 128. In cities having a population exceeding 100,000 inhabitants, the  
 2 board of education shall consist of 21 members, to be appointed by the mayor,  
 3 by and with the advice and consent of the common council, seven of whom shall  
 4 be appointed for the term of one year, seven for the term of two years, and  
 5 seven for the term of three years. At the expiration of the term of any mem-  
 6 bers of said board, their successors shall be appointed in like manner and shall  
 7 hold their office for the term of three years. Any vacancy which may occur



8 shall be filled by appointment of the mayor, with the approval of the common  
9 council, for the unexpired term.

Sec. 129. Any person having resided in any such city more than five years  
2 next preceding his appointment shall be eligible to membership of such board  
3 of education.

Sec. 130. The board of education shall appoint one of its members presi-  
2 dent. It shall also appoint a secretary and such other officers and employes  
3 as it shall deem necessary, and shall prescribe their duties, compensation and  
4 terms of office.

Sec. 131. The board shall provide books in which shall be kept a faith-  
2 ful record of all their proceedings. The yeas and nays shall be taken and en-  
3 tered on the records of the proceedings of the board upon all questions in-  
4 volving the expenditure of money.

Sec. 132. The board of education shall have charge and control of the  
2 public schools in such cities, and shall have power with the concurrence of the  
3 city council:

4 *First*—To erect or purchase buildings suitable for school houses, and keep  
5 the same in repair.

6 *Second*—To buy or lease sites for school houses with the necessary  
7 grounds. If the board of education shall be unable to agree with the owner  
8 or owners for the purchase of such site, then, with the concurrence of the  
9 city council, it may acquire the title to such site in the manner provided by  
10 law for the exercise of the right of eminent domain. Such proceedings to  
11 condemn shall be in the name of the city in trust for the use of schools.

12 *Third*—To issue bonds for the purpose of building, furnishing and repair-  
13 ing school houses, for purchasing school sites, and to provide for the payment



14 of such bonds; and to borrow money for school purposes upon the credit of  
15 the city.

Sec. 133. The said board of education shall have power:

2 *First*—To furnish schools with the necessary fixtures, furniture and ap-  
3 paratus.

4 *Second*—To maintain, support and establish schools and supply from  
5 taxes the inadequacy of the school funds for the salaries of teachers.

6 *Third*—To hire buildings or rooms for the use of the board or of schools.

7 *Fourth*—To employ teachers and fix the amount of their compensation.

8 *Fifth*—To prescribe the school books to be used, and the studies in the  
9 different schools.

10 *Sixth*—To divide the city into school districts, and to alter them and  
11 create new ones as circumstances may require, and generally to have and pos-  
12 sess all the rights, powers and authority required for the proper management  
13 of schools, with power to enact such ordinances as may be deemed necessary  
14 and expedient for such purpose.

15 *Seventh*—To expel any pupil guilty of gross disobedience or misconduct.

16 *Eighth*—To dismiss and remove any teacher for cause in the manner pro-  
17 vided in section 161 of this Act.

18 *Ninth*—To apportion the pupils to the several schools.

19 *Tenth*—To lease school property and to lend moneys belonging to the  
20 school fund.

21 *Eleventh*—To grant the use of assembly halls and class rooms when not  
22 otherwise needed, including light, heat and attendants, for public lectures, con-  
23 certs and other educational and social interests, free of cost, but under such  
24 provisions and control as they may see fit to impose.

Sec. 134. It shall be the duty of the board of education:

2       *First*—To superintend and control the schools in such cities.

3       *Second*—To examine all persons offering themselves as candidates for  
4 teachers, and when found well qualified to give them certificates gratuitously.

5       *Third*—To visit all the public schools as often as once a month.

6       *Fourth*—To establish such **by-laws**, rules and regulations for the estab-  
7 lishment, maintenance and government of a proper and uniform system of dis-  
8 cipline in the several schools as may in their opinion be necessary.

9       *Fifth*—To determine from time to time how many and what class of teach-  
10 ers may be employed in each of the public schools, and to employ such  
11 teachers and fix their compensation.

12       *Sixth*—To take charge of the school houses, furniture, grounds and other  
13 property belonging to the school districts, and see that they are kept in good  
14 condition and not suffered to be unnecessarily injured or deteriorated.

15       *Seventh*—To provide fuel and such other necessities for the schools as,  
16 in their opinion, may be required in the school houses, or other property be-  
17 longing to the said districts.

18       *Eighth*—To establish and maintain vacation schools and play grounds un-  
19 der such rules and regulations as it shall prescribe.

20       *Ninth*—To inquire into the progress of pupils and the government of the  
21 schools.

22       *Tenth*—To prescribe the method and course of discipline and instruction  
23 in the respective schools, and to see that they are maintained and pursued in  
24 the proper manner.

25       *Eleventh*—To prescribe what studies shall be taught, and what books and  
26 apparatus shall be used.

27       *Twelfth*—To report to the city council, from time to time, any suggestions  
28 they may deem expedient or requisite in relation to the schools and the

29 school fund, or the management thereof, and generally to recommend the  
30 establishment of new schools and districts.

31 *Thirteenth*—To prepare and publish an annual report, which shall include  
32 the receipts and expenditures of each school, specifying the source of such  
33 receipts and the object of such expenditures.

34 *Fourteenth*—To communicate to the city council, from time to time, such  
35 information as may be required.

Sec. 135. None of the powers herein conferred upon the board of edu-  
2 cation of such cities shall be exercised except at a regular meeting.

Sec. 136. All conveyances of real estate shall be made to the city and  
2 the title of all property acquired by condemnation shall be vested in the city,  
3 in trust for the use of schools, and no sale of real estate or interest therein  
4 used for school purposes or held in trust for schools shall be made, except by  
5 the city council upon the written request of the board of education.

Sec. 137. All moneys raised by taxation for school purposes or received  
2 from the State common school fund, or from any other source for school pur-  
3 poses, shall be held by the city treasurer as a special fund for school purposes,  
4 subject to the order of the board of education, upon warrants to be counter-  
5 signed by the mayor and city comptroller or, if there be no city comptroller, by  
6 the city clerk.

Sec. 138. The board of education shall not add to the expenditures for school  
2 purposes anything over and above the amount that shall be received from the  
3 State common school fund, the rental of school lands or property, and the  
4 amount annually appropriated for such purposes. If the board shall add to  
5 such expenditure, the city shall not, in any case, be liable therefor. And neth-

ing herein contained shall be construed so as to authorize the levy or collection of any tax upon the demand or under the direction of the board of education.

Sec. 139. All schools in such cities shall be governed as herein provided and no power given to the board of education shall be exercised by the city council of such cities.

#### PARENTAL SCHOOLS.

Sec. 140. In cities having a population of 100,000 inhabitants or more, there shall be established, maintained and conducted, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided.

Sec. 141. For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such cities; but no such school shall be located at or near any penal institution. It shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

Sec. 142. The board of education may also employ a superintendent and all other necessary officers, agents and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as are prescribed by law for the management of other schools.

Sec. 143. No religious instruction shall be given in such school except such as allowed by law to be given in public schools; but the board of education shall



3 make suitable regulations so that the inmates may receive religious training in  
4 accordance with the belief of the parents of such children, either by allowing  
5 religious services to be held in the institution or by arranging for attendance  
6 at public service elsewhere.

Sec. 144. It shall be the duty of the truant officer or agent of such board  
2 of education to petition, and any reputable citizen of the city may petition, the  
3 county or circuit court of the county not attending school, and who has  
4 been guilty of habitual truancy, or persistent violation of the rules  
5 of the public school, and the petition shall also state the names, if  
6 known, of the father and mother of such child, or the survivor of them; and  
7 if neither father nor mother of such child is living, or found in the county, or  
8 if their names cannot be ascertained, then the name of the guardian, if there be  
9 one known; and if there be a parent living whose name can be ascertained,  
10 or a guardian, the petition shall show whether or not the father or mother or  
11 guardian consents to the commitment of such child to such parental or truant  
12 school. Such petition shall be verified by oath upon the belief of the petitioner,  
13 and upon being filed the judge of the county or circuit court shall have the  
14 child named in the petition brought before him for the purpose of determin-  
15 ing the application in such petition contained. But no child shall be committed  
16 to such school who has ever been convicted of any offense punishable by con-  
17 finement in any penal institution.

Sec. 145. Upon the filing of such petition the clerk of the court shall issue  
2 a writ to the sheriff of the county directing him to bring such child before the  
3 court, and if the court shall find that the material facts set forth in the petition  
4 are true, and if, in the opinion of the court, such child is a fit person to be  
5 committed to such parental or truant school, an order shall be entered that  
6 such child be committed to such parental or truant school, to be kept there until

7 he or she arrives at the age of fourteen years, unless sooner discharged in the  
8 manner hereinafter set forth. Before such hearing notice in writing shall be  
9 given to the parent or guardian of such child, if known, of the proceedings  
10 about to be instituted, that he or she may appear and resist the same if either  
11 of them so desire.

Sec. 146. It shall be the duty of the parent or guardian of any child com-  
2 mitted to this school to provide suitable clothing upon his or her entry into  
3 such school and from time to time thereafter as it may be needed, upon notice  
4 in writing from the superintendent or other proper officer of the school. In  
5 case any parent or guardian shall refuse or neglect to furnish such clothing,  
6 the same may be provided by the board of education, and such board may have  
7 an action against such parent or guardian of the child to recover the cost of  
8 such clothing with 10 per cent additional thereto.

Sec. 147. The board of education of such city shall have power to establish  
2 rules and regulations under which children committed to such parental or tru-  
3 ant school may be allowed to return home upon parole, but to remain while upon  
4 parole in the legal custody and under the control of the officers and agents of  
5 such school, and subject at any time to be taken back within the enclosure of  
6 such school by the superintendent or an authorized officer of said school except  
7 as hereinafter provided; and full power to enforce such rules and regulations  
8 to retake any such child so upon parole is hereby conferred upon said board of  
9 education. No child shall be released upon parole in less than four weeks from  
10 the time of his commitment, nor thereafter until the superintendent of such  
11 parental or truant school shall have become satisfied from the conduct of the  
12 child that, if paroled, he or she will attend regularly the public or private school  
13 to which he or she may be sent by his or her parents or guardian and shall so  
14 certify to the board of education.

Sec. 148. It shall be the duty of the principal or other persons having  
 2 charge of the school to which such child so released on parole may be sent to  
 3 report at least once each month to the superintendent of the parental or truant  
 4 school, stating whether or not such child attends school regularly and obeys  
 5 the rules and requirements of said school; and if such child so released upon  
 6 parole shall be regular in his or her attendance at school and his or her con-  
 7 duct as a pupil shall be satisfactory for a period of one year from the date  
 8 on which he or she was released upon parole, he or she shall then be finally  
 9 discharged from the parental or truant school, and shall not be recommitted  
 10 thereto except on petition as hereinbefore provided.

Sec. 149. In case any child released from said school upon parole, as  
 2 hereinbefore provided, shall violate the conditions of his or her parole at any  
 3 time within one year thereafter, he or she shall, upon the order of the board  
 4 of education, as hereinbefore provided, be taken back to such parental or  
 5 truant school and shall not be again released upon parole within the period  
 6 of three months from the date of such re-entering, and if he or she shall vio-  
 7 late the conditions of a second parole he or she shall be recommitted to such  
 8 parental or truant school and shall not be released therefrom on parole until  
 9 he or she shall remain in said school at least one year.

Sec. 150. In any case in which a child is found to be incorrigible and his  
 2 or her influence in such school to be detrimental to the interests of the other  
 3 pupils, the board of education may authorize the superintendent or any officer  
 4 of the school to represent these facts to the circuit or county court by petition,  
 5 and the court shall have authority to commit said child to some juvenile reform-  
 6 atory.

Sec. 151. Boards of education in cities having a population of over 25,000  
 2 and less than 100,000 may establish, maintain and operate a parental or truant



3 school for the purposes hereinbefore specified, and in case of the establish-  
 4 ment of such a school, the boards of education shall have like power in their  
 5 respective cities as hereinbefore expressed: *Provided, however,* that no board  
 6 of trustees or board of education under this section shall put this law into  
 7 effect until submitted to a vote of the people and adopted by a majority vote  
 8 at some general election.

#### TEACHER'S PENSION FUND.

Sec. 152. In every city in this State having a population exceeding 100,-  
 2 000 inhabitants, there shall be elected a board of trustees to have the adminis-  
 3 tration and control of a public school teachers' pension and retirement fund, to  
 4 be created and maintained in the manner provided by this Act. Such board  
 5 of trustees shall consist of nine members. The secretary of the board of  
 6 education of such city shall be *ex officio* a member of said board of trustees;  
 7 in addition thereto there shall be elected annually at the first meeting of the  
 8 board of education in the month of October of each year two of its members  
 9 to serve on said board of trustees; and at the first election there shall be elected  
 10 six members to said board of trustees from the teachers' force employed in  
 11 said city; two for the term of one year, two for the term of two years and  
 12 two for the term of three years. On the date of the first meeting of said board  
 13 of education in the month of October of each year thereafter there shall in  
 14 like manner be elected two members to said board of trustees, who shall hold  
 15 their office for a term of three years. The election of the members of said  
 16 board of trustees by the board of education, shall be by a majority vote in  
 17 such manner as they, the board of education, shall provide. The election of the  
 18 members to said board of trustees by the teaching forces of such city shall  
 19 be by ballot at an election held by the board of education, which shall con-



20 form as nearly as may be to the provisions of the law in relation to school  
21 elections, and each person being a member of the teaching force of such city,  
22 and a contributor to said pension and retirement fund shall be entitled to cast  
23 at such election, one vote for each trustee to be elected. Elections to fill vacan-  
24 cies may be called by the board of education and held at the annual election:  
25 *Provided, however,* that the board of education may fill vacancies occurring in  
26 the membership of said board of trustees elected from said board of education  
27 at any regular meeting of the board of education.

Sec. 153. Such board of trustees shall have charge of and administration  
2 of the public school teachers' pension and retirement fund of such city, and  
3 shall have power to invest the same in such manner as it shall deem most  
4 beneficial to said fund, but in the same manner and subject to the same terms  
5 and conditions as township trustees are permitted to invest school funds under  
6 the law, and shall have power to make payments from said fund of pensions  
7 or annuities granted in pursuance of this Act; and shall from time to time  
8 make and establish such by-laws, rules and regulations for the administration  
9 of said fund, as they shall deem advisable and shall have power to employ such  
10 assistance and service as may, in their judgment be necessary for the proper  
11 enforcement of the provisions of this Act and carrying into effect valid by-  
12 laws, rules and regulations enacted by them, and they shall have power to fill  
13 any vacancies occurring in said board of trustees of members elected from the  
14 teaching force of said city, until the next annual election, when said vacancies  
15 shall be filled as provided by this Act.

Sec. 154. The public school teachers' pension and retirement fund of such  
2 city shall consist of moneys paid into said fund by persons desiring the benefits  
3 thereof, under the provisions of this Act; of moneys received from donations,

4 legacies, gifts, bequests or otherwise on account of said fund, and of moneys paid  
5 into said fund in pursuance of any law now in force or hereafter to be enacted.

Sec. 155. Any person who shall be employed to teach in the public school  
2 of any such city, after this Act shall take effect, shall be entitled to the benefits  
3 of said fund upon complying with the provisions of this Act, and for the pur-  
4 poses of this Act such persons shall be divided into the following classes:

5 *First*—Those who have taught five years or less.

6 *Second*—Those who have taught more than five years and not more than  
7 ten years.

8 *Third*—Those who have taught more than ten years and not more than  
9 fifteen years.

10 *Fourth*—Those who have taught more than fifteen years.

11 After this Act shall take effect, there shall be set apart from the salaries  
12 of all persons hereafter entering for the first time the employ of the board  
13 of education of such cities \$5.00 per annum, while they remain in the first class;  
14 \$10.00 per annum while they remain in the second class; \$15.00 per annum  
15 while they remain in the third class, and \$30.00 per annum while they remain  
16 in the fourth class, which amounts shall be deducted by the board of education  
17 in equal installments from their respective salaries at the regular times for  
18 the payment thereof, and be paid into and constitute a part of the public school  
19 teachers' pension and retirement fund of such city.

Sec. 156. Teachers employed by the board of education of any such city,  
2 who shall become contributors to and beneficiaries of a public school teachers'  
3 pension and retirement fund, under any provisions of this Act, may count past  
4 service as a part of the period of twenty-five years hereinafter specified, by  
5 paying into said fund a sum equal to that which he or she would have contributed  
6 under the provisions of this Act, had he or she been a regular contributor to

7 said fund, during said period of past service, together with interest thereon  
 8 at the rate of 4 per cent per annum from the time such payments would have  
 9 been made to the time such person shall by making such payment become en-  
 10 titled to the benefit of such past service.

Sec. 157. Such board of trustees shall have the power and it shall be its  
 2 duty to pass a resolution declaring the maturity of service and right to the  
 3 immediate benefits of said fund in favor of persons entitled to the benefits  
 4 thereof in the following cases:

5 *First*—When any such persons shall have taught in the public schools or  
 6 rendered service therein for a period of twenty-five years within the meaning  
 7 of this Act.

8 *Second*—When any contributor to the said fund shall have taught fifteen  
 9 years in the public schools within the meaning of this Act and shall have been  
 10 declared by three competent physicians, who have made a physical examina-  
 11 tion of the teacher, at the request of a majority of such board of trustees, to  
 12 be suffering from a permanent disability: *Provided, however,* that neither said  
 13 board of trustees nor said board of education shall declare any contributor en-  
 14 titled to the immediate benefits of said fund until he or she shall have taught  
 15 in the public schools of such city three-fifths of the term of service of twenty-  
 16 five or fifteen years as the case may be; and no person shall be entitled to the  
 17 benefits of said fund until he or she shall have retired from service as a teach-  
 18 er in said city.

Sec. 158. Each teacher so **retired** or retiring after twenty-five years of ser-  
 2 vice shall thereafter be entitled to receive an annuity of \$400.00, and each teacher  
 3 so retired because of permanent disability after fifteen years of service shall  
 4 receive as an annual pension such proportion of the full annuity of \$400.00 as  
 5 the sum contributed by such teacher so retired bears to the total contributions



6 required for a full annuity. Said pensions and annuities shall be paid  
7 monthly during the school year by said board of trustees out of the fund  
8 created in accordance with the provisions of this Act in the manner provided  
9 by law for the payment of teachers' salaries.

Sec. 159. The president and the secretary of said board of education shall  
2 certify monthly to the city treasurer all amounts deducted from the salaries  
3 of teachers, special teachers, principals and superintendents of schools in ac-  
4 cordance with the provisions of this Act, which amounts, as well as all other  
5 moneys contributed to said fund, shall be set apart and held by said treasurer  
6 as a special fund for the purposes hereinbefore specified, subject to the order  
7 of said board of trustees herein created, and shall be paid out upon warrants  
8 signed by the president and secretary of said board of education, and counter-  
9 signed by the president of the said board of trustees.

Sec. 160. The city treasurer, *ex officio*, shall be the custodian of said pension  
2 fund, and shall secure and safely keep the same, subject to the control and  
3 direction of said board of trustees, and shall keep his books and accounts con-  
4 cerning such fund in such manner as may be prescribed by said board, and  
5 said books and accounts shall always be subject to the inspection of said board  
6 or any member thereof. Said city treasurer shall be liable on his official bond  
7 for the proper performance of his duties and the conservation of the fund  
8 created by this Act. Any legal proceedings which may be necessary for the  
9 enforcement of the provisions of this Act, shall be brought by and in the  
10 name of the board of education for the use of the board of trustees of the public  
11 school teachers' pension fund.

Sec. 161. No teacher who has been, or who shall have been, elected by said  
2 board of education, shall be removed or discharged, except for cause, upon  
3 written charges which shall upon the teachers' written request, be investigated



4 and determined by said board of education, whose action and decision in the  
5 matter shall be final. If at any time a teacher who is willing to continue is  
6 not re-employed or is discharged before the time he or she would, under the  
7 provisions of this Act, be entitled to a pension, then such teacher shall be paid  
8 back at once the money he or she may have contributed under this law. Any  
9 teacher who shall retire voluntarily from the service, prior to entering the  
10 aforesaid fourth class, shall receive a refund of one-half of the money he or  
11 she shall have contributed under this law.

Sec. 162. All persons who shall be employed as teachers by the board of  
2 education of any such city shall by such employment accept the provisions of  
3 this Act, and thereupon become contributors to said pension fund in accord-  
4 ance with the terms thereof. And the provisions of this Act shall become a  
5 part of and enter into any such contract of employment.

Sec. 163. All pensions or annuities granted under the provisions of this  
2 Act and every portion thereof shall be exempt from attachment or garnish-  
3 ment process and shall not be seized, taken, subjected to, detained or levied up-  
4 on by virtue of any execution, or any process or proceedings whatsoever issued  
5 out of or by any court of this State for the payment or satisfaction in whole or  
6 in part of any debt, claim, damage, demand or judgment against any pensioner  
7 hereunder, and no annuitant or pensioner shall have the right to transfer or  
8 assign his or her pension or annuity or any part thereof either by way of  
9 mortgage or otherwise.

Sec. 164. Neither the treasurer nor any other officer having the custody  
2 of public school funds of any city having a population exceeding 100,000 in-  
3 habitants, shall be entitled to retain any interest accruing thereon or any part  
4 thereof, but such interest shall accrue and inure to the benefit of such school

5 funds respectively, become a part thereof and be paid into the city treasury,  
6 subject to the purposes of this Act.

Sec. 165. The board of education of any such city, as to such funds raised  
2 by taxation, levied by such city for school purposes, whether the same be for  
3 educational purposes or for building purposes, shall annually set aside all  
4 interest so added to such funds and contribute the same to the public school  
5 teachers' and public school employes pension and retirement funds now created  
6 or existing or such as may be hereafter created pursuant to any law. The  
7 amount of such interest so contributed, however, shall not exceed in any year  
8 1 per cent of the sums so levied for such purposes.

#### NORMAL SCHOOL AND UNIVERSITY SCHOLARSHIPS.

Sec. 166. There shall be awarded annually to each school township, or  
2 fractional township, a scholarship which shall entitle the holder thereof to  
3 gratuitous instruction in any State normal school, for a period of four years:  
4 *Provided, however,* that any township having a population exceeding one hun-  
5 dred thousand inhabitants, shall be entitled to five scholarships.

Sec. 167. The county superintendent shall receive and register the names  
2 of all applicants for such scholarships, and shall hold an examination, or cause  
3 an examination to be held, in each township, for the benefit of graduates of the  
4 eighth grade: *Provided, however,* that when a township is divided by a county  
5 line, the county superintendent in whose county the sixteenth section is situ-  
6 ated shall have charge of the examination in such township.

Sec. 168. All examinations for normal school scholarships shall be held  
2 on any Saturday between the first day of March and the fifteenth day of May  
3 in each year, according to rules and regulations prescribed by the Superin-

4 tendent of Public Instruction, and the pupil found to possess the highest quali-  
 5 fications shall be entitled to such scholarship; *Provided, however, that such*  
 6 pupil shall be a resident of the township in which such examination is held:  
 7 *And, provided, further, that when no application is received from any town-*  
 8 *ship, the county superintendent shall assign the pupil found to possess the next*  
 9 *highest qualifications to that township.*

Sec. 169. The county superintendent shall certify the names and addresses  
 2 of all successful applicants, with the number and range of the township to  
 3 which each pupil is accredited, to the Superintendent of Public Instruction,  
 4 who shall issue to each pupil a certificate of scholarship which shall be accepted  
 5 by the authorities of any State normal school in lieu of any entrance examination,  
 6 and shall exempt the holder thereof from the payment of tuition, or any term,  
 7 matriculation, or incidental fee whatsoever.

Sec. 170. There shall be awarded, annually, to each county, one university  
 2 scholarship, which shall entitle the holder thereof to gratuitous instruction in  
 3 the University of Illinois for a period of four years.

Sec. 171. The county superintendent shall receive and register the names  
 2 of all applicants for such scholarships, and shall hold an examination on the  
 3 first Saturday of June of each year, according to rules and regulations  
 4 prescribed by the president of the University, and the student found to possess  
 5 the highest qualifications shall be entitled to such scholarship: *Provided, how-*  
 6 *ever, that every applicant shall be at least sixteen years of age, and a resident*  
 7 *of the county in which such examination is held: And, provided, further, that no*  
 8 *student who has attended the University of Illinois shall be eligible to such ex-*  
 9 *amination.*

Sec. 172. The county superintendent shall return to the president of the University, within ten days after such examination, a list of the names of all applicants examined, the grades obtained, together with the examination papers submitted by them; and the president of the University shall issue to the successful applicant a certificate of scholarship as directed by the provisions of this Act: *Provided, however,* that in case no return is made from a county, the president of the University may assign to that county from some other county the student found to possess the next highest qualifications.

Sec. 173. In addition to the scholarships provided for in section 171, each member of the General Assembly is authorized to nominate and appoint, annually, one person of school age and otherwise eligible, from his district, who shall by virtue of his appointment receive a certificate of scholarship in the University. Each member of the General Assembly shall file with the president of the University on or before the first Saturday in June, the name and address of the student nominated by him to receive such scholarship. The candidate for such scholarship shall present himself for nomination before the county superintendent in the county where such student resides, at the time stated in section 171 for the competitive examination. The president of the University shall prescribe the rules and regulations governing such examination: *Provided, however,* that, in case the person named fails to pass the required examination for admission, the president of the University shall at once notify the member making the appointment, who may name another person for such scholarship; *And, provided, further,* that, if the member of the General Assembly shall so elect, the scholarship under his control may be awarded by competitive examination conducted under like rules as prescribed in section 171 of this Act.



Sec. 174. Any University scholarship issued under the provisions of this Act shall exempt the holder from the payment of tuition, or any matriculation, term or incidental fee whatsoever, except for purchase of laboratory supplies and similar fees for supplies and materials: *Provided, however,* that such student shall be subject to all examinations, rules and requirements of the board of trustees and faculty, except as herein directed: *And, provided, further,* that the privileges of these scholarships shall not be available in the professional schools and colleges of the University: *And, provided, further,* that this Act shall not be construed to prohibit the board of trustees from granting other scholarships.

Sec. 175. Any student holding a University scholarship, who shall make it appear to the satisfaction of the president of the University that he requires leave of absence for the purpose of earning funds to defray his expenses while in attendance, may be granted such leave of absence, and may be allowed a period not to exceed six years to complete his course at the University.

#### TEACHERS.

Sec. 176. No one shall be authorized or employed to teach in the common schools of this State, or shall receive, for teaching, any part of any public school fund, who is not at least 18 years of age, if a man, or 17 years of age, if a woman, and who does not hold at the time he enters upon his duties a certificate of qualification issued by the county superintendent of schools or the Superintendent of Public Instruction: *Provided, however,* that in any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall when directed by said board, be taken by the county superintendent as sufficient

19 evidence of qualification to entitle the holder to a first grade certificate if pre-  
 11 sented within two years from such graduation.

Sec. 177. Certificates of qualification issued by the Superintendent of Public  
 2 Instruction shall be valid in every district in the State during the good be-  
 3 havior of the holder. Such certificates shall be granted only upon a public  
 4 examination, complete in itself, under such regulations and by such examiners  
 5 as the Superintendent of Public Instruction shall prescribe and appoint. The  
 6 holder of any State certificate, while he continues to teach, shall, annually, be-  
 7 fore entering upon his duties as teacher, present his certificate to the county  
 8 superintendent for registration. A fee of one dollar shall be charged therefor  
 9 and covered into the institute fund.

Sec. 178. Certificates of qualification granted by the county superintendent  
 2 shall be of two grades:

3 A certificate of the first grade shall be valid in the county for two years  
 4 and shall certify that the person to whom such certificate is issued is of good  
 5 character and qualified to teach orthography, reading in English, penmanship,  
 6 arithmetic, English grammar, modern geography, civics, the elements of the  
 7 natural sciences, the history of the United States, the history of Illinois, physi-  
 8 ology and the laws of health.

9 A certificate of the second grade shall be valid for one year, and shall  
 10 certify that the person to whom such certificate is issued is of good character  
 11 and is qualified to teach orthography, reading in English, penmanship, arith-  
 12 metic, English grammar, modern geography, civics, the history of the United  
 13 States and the history of Illinois.

Such certificates may be in the following form, to-wit:

.....ILLINOIS, .....1....

The undersigned having examined..... in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the history of the United States, the history of Illinois, and methods of teaching, and being satisfied that.....is of good character, hereby certifies that.....qualifications in these branches are such as to entitle.....to this certificate, being of the.....grade, and valid in this county for.....year from the date hereof, renewable at the option of the county superintendent by his endorsement hereon.

Given under my hand and seal at the date aforesaid.

A ..... B.....

*County Superintendent of Schools.*

Teachers of music, drawing, penmanship, bookkeeping, German, or any other special study, exclusively, shall not be required to be examined except in reference to such special study, and in such cases it shall not be lawful to employ such teachers to teach **any branch** of study except such as they have been examined upon and which shall be stated in such certificates. The county superintendent may, in his option, renew certificates at their expiration by his endorsement thereon, and may revoke a certificate at any time for immorality, incompetency or other just cause.

Sec. 179. Every school established under the provisions of this Act shall be for instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors, or the voters of the district at the annual election of directors, may prescribe.

Sec. 180. Examinations for teachers' certificates shall be held by the county superintendent quarterly, and oftener, if necessary, on such days and in such places as will accommodate the greatest number of persons desiring such examination. Notice of such examinations shall be published a sufficient length of

5 time in at least one newspaper of general circulation. A fee of one dollar  
6 shall be charged for the examination and also for the renewal of a certificate.

Sec. 181. The county superintendent shall hold an annual institute, not  
2 fewer than five days, for the instruction of teachers and those who may desire  
3 to teach. With the concurrence of the Superintendent of Public Instruction he  
4 shall employ such assistance as may be necessary to conduct the institute. Two  
5 or more adjoining counties may hold an institute together. At every institute  
6 instruction shall be free to holders of certificates good in the county or in any  
7 of the counties holding the institute, and to those who have paid an examina-  
8 tion fee and failed to receive a certificate. All others attending shall be re-  
9 quired to pay a registration fee of one dollar.

Sec. 182. All examination and registration fees, and fees for renewals,  
2 shall be transmitted monthly to the county treasurer, with a list of the names  
3 of the persons paying such fees. Such fund shall constitute the institute fund,  
4 and shall be paid out only upon the order of the county superintendent, to de-  
5 fray the expenses of teachers' institutes. When the institute fund in any  
6 county exceeds the average annual cost of the teachers' institute for the next  
7 preceding three years, such excess may be drawn upon by the county superin-  
8 tendent of schools for the purpose of defraying the expense of any general  
9 meeting of the teachers of the county.

Sec. 183. Five days in any school year, spent by a teacher, during term  
2 time, in attendance upon a teachers' institute, held under the direction of the  
3 county superintendent of schools, shall be considered time lawfully expended  
4 in the service of the district, and no deduction of wages shall be made for  
5 such attendance. It shall be the duty of the school directors to close the schools  
6 for such institute.



Sec. 184. It shall be the duty of every teacher to see that the school property of the district, under his care and control, is not unnecessarily damaged or destroyed. No teacher shall be paid any part of the school funds unless he shall have furnished schedules, when required by law, and shall have satisfactorily accounted for all books, apparatus and other property belonging to the district.

Sec. 185. Teachers shall keep daily registers, which shall exhibit the name, age and attendance of each pupil, the day of the week, the month and the year. Registers shall be in the following form, the absence of each scholar being indicated by a mark, the presence by a blank, to-wit:

Register of a common school kept by A. B. in district No. .... in the county of. .... in the State of Illinois.

| NAMES AND AGES.                 |    | Total No. of days of each pupil. |
|---------------------------------|----|----------------------------------|
|                                 |    | 1910                             |
|                                 |    | Friday, February 11              |
|                                 |    | 1910 Thursday, February 10       |
|                                 |    | 1910 Wednesday, February 9       |
|                                 |    | 1910 Tuesday, February 8         |
|                                 |    | 1910 Monday, February 7          |
|                                 |    | 1910 Friday, February 4          |
|                                 |    | 1910 Thursday, February 3        |
|                                 |    | 1910 Wednesday, February 2       |
|                                 |    | 1910 Tuesday, February 1         |
|                                 |    | 1910 Monday, January 31          |
|                                 |    | 1910 Friday, January 28          |
|                                 |    | 1910 Thursday, January 27        |
|                                 |    | 1910 Wednesday, January 26       |
|                                 |    | 1910 Tuesday, January 25         |
|                                 |    | 1910 Monday, January 24          |
|                                 |    | 1910 Friday, January 21          |
|                                 |    | 1910 Thursday, January 20        |
|                                 |    | 1910 Wednesday, January 19       |
|                                 |    | 1910 Tuesday, January 18         |
|                                 |    | 1910 Monday, January 17          |
| Names.                          |    | Ages.                            |
| John Smith .....                | 10 | 1                                |
| Isaac Meisler .....             | 13 | 1                                |
| Marah Danforth .....            | 16 | 1                                |
| Mary Newman .....               | 18 | 1                                |
| Grand total number of days..... |    | 64                               |

|                               | Boys. | Girls. | Total. |
|-------------------------------|-------|--------|--------|
| Number of pupils .....        | 2     | 2      | 4      |
| Average daily attendance..... |       |        | 3.2    |

Such registers shall be furnished to the teachers by the school directors, and each teacher shall, at the end of his term of school, return his register to the clerk of the school board of the district. No teacher shall be paid any part of the school funds unless he shall have accurately kept and returned the register as aforesaid.

Sec. 186. In all districts controlled by a board of directors, teachers shall make schedules of the names of all pupils attending school, in the form prescribed by this Act, and when pupils reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county. Boards of education may require teachers to make schedules, or statements certifying the number of days' attendance for each month, as shown by their registers, which shall be certified by the board of education, and be subject to the same requirements as schedules. Schedules shall be certified by the teacher, and shall be in the following form, to-wit:

Schedule of a school taught by..... in district  
No....., in the county of.....in the State of Illinois.  
Names and ages of pupils residing in district No....., .....county,  
who have attended school during the time beginning the....day of.....  
1....., during which time the school was in session.....school  
days.

| NAME.                                       | Ages. | Days attended. |
|---|-------|----------------|
| John Smith.....                             | 10    | 15             |
| Isaac Meisler.....                          | 13    | 11             |
| Sarah Danforth.....                         | 16    | 20             |
| Mary Newman.....                            | 18    | 18             |
| Grand total number of days' attendance..... |       | 64             |

|                               | Boys. | Girls. | Total. |
|-------------------------------|-------|--------|--------|
| Number of pupils.....         | 2     | 2      | 4      |
| Average daily attendance..... |       |        | 3.2    |

I hereby certify that the foregoing schedule is correct, to the best of my knowledge and belief.  
A ..... B .....  
Teacher.

Sec. 187. The schedule, or schedules, shall be delivered to one of the directors, who shall, if requested, give the teacher a receipt for the same. It shall be the duty of the director to examine carefully such schedule, or sched-

ules, with at least one other director, and correct any errors, and if such  
 schedule has been made according to law, they shall certify to the same in the  
 following form, to-wit:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

We, the undersigned, directors of district No..... in.....  
 county, certify that we have carefully examined the foregoing schedule and  
 find it to be correct, and that the school was conducted according to law;  
 that the teacher is paid according to contract.....dollars per.....;  
 the sum of.....dollars is now due .....  
 for services for the month ending.....; that the teacher has  
 a legal certificate of.....grade, and that the property of said dis-  
 trict in charge of such teacher has been satisfactorily accounted for.

Signed this.....day of....., 1.....  
 .....  
 .....  
 .....  
 Directors.

Sec. 188. The school month shall be the same as the calendar month. But  
 a teacher shall not be required to teach on Saturdays or legal school holi-  
 days, which are the first day of January, the fourth day of July, the twenty-  
 fifth day of December, and any day appointed by the President or Governor  
 as a day of fast or thanksgiving, and no deduction shall be made from the time  
 or compensation of a teacher on account of such days.

# REVENUE.

189. For the purpose of establishing and supporting free schools for not  
 less than six nor more than nine months in each year, and defraying all the  
 expenses of the same of every description; for the purpose of repairing and

4 improving school houses, of procuring furniture, fuel, libraries and apparatus,  
 5 and for all other necessary incidental expenses in each district, village or city,  
 6 the directors of such district and the authorities of such village or city shall  
 7 be authorized to levy a tax annually upon all the taxable property of the district,  
 8 village or city not to exceed two and one-half per cent for educational and two  
 9 and one-half per cent for building purposes, the valuation to be ascertained by  
 10 the last assessment for State and county taxes. In municipalities having less  
 11 than 100,000 inhabitants the term incidental expenses herein used shall not  
 12 include any sum expended or obligation incurred for the improvement, repair  
 13 or benefit of the school buildings and property, but all such sums and obliga-  
 14 tions shall be paid from that portion of the tax levied for building purposes.  
 15 No election or petition shall be necessary to authorize the levy of a tax for the  
 16 ordinary repair and improvement of school buildings or grounds or for the  
 17 payment of any special tax or special assessment levied upon such property.

Sec. 190. The board of directors or board of education of each district  
 2 shall ascertain as near as practicable, annually, how much money must be  
 3 raised by special tax for educational and for building purposes for the next  
 4 ensuing year. Such amounts shall be certified and returned to the township  
 5 treasurer on or before the first Tuesday in August, annually. The certificate  
 6 shall be signed by the president and clerk, or secretary, as the case may re-  
 7 quire, and may be in the following form, to-wit:

8 CERTIFICATE OF TAX LEVY.

9 We hereby certify that we require the sum of.....dollars, to be  
 10 levied as a special tax for educational purposes, and the sum of.....  
 11 dollars to be levied as a special tax for building purposes, on the equalized as-  
 12 sessed value of the taxable property of our district, for the year 1.....

13 Signed this.....day of....., 1....

14 A ..... B ..... President.

15 C ..... D ..... Clerk.

16 District No....., .....County.



17       The township treasurer shall return the certificate to the county clerk, on  
18 or before the second Monday of August. A failure by the school board to file  
19 the certificate, or of the treasurer to return it to the county clerk in the time  
20 required, shall not vitiate the assessment.

Sec. 191. When a district lies partly in two or more counties the directors  
2 shall ascertain as near as practicable the amount to be raised by special tax  
3 for educational and building purposes, and shall prepare a certificate for each  
4 county in which such district may lie, and deliver the certificates to the town-  
5 ship treasurer who receives the tax money of such district, who shall return  
6 a certificate to each of the county clerks of the counties in which a part of  
7 such district is situated. On the first Monday of October, annually, or as soon  
8 thereafter as may be practicable, the county clerk of each of such counties shall  
9 ascertain the total equalized valuation of all the taxable property in that part  
10 of such district as shall lie in his county, and certify the amount thereof to  
11 the county clerk of each of the other counties in which such district may lie;  
12 and from the aggregate of such equalized valuation, and from the certificate  
13 of the amount so required to be levied, such clerk shall ascertain the rate per  
14 cent required to produce in such district the amount of such levy, and at that  
15 rate shall extend the special tax to be levied for educational and building pur-  
16 poses in that part of such district lying in his respective county.

Sec. 192. It shall be the duty of assessors, when making assessments of  
2 personal property, to designate the number of the school district in which the  
3 person assessed resides. Such designation shall be made by writing the number  
4 of the district opposite each person's assessment of personal property in the  
5 assessment roll returned by the assessor to the county clerk. The officers pre-  
6 paring blank books and notices for the use of assessors shall provide columns  
7 and blanks, so that the number of the school district may be designated.

Sec. 193. On or before the first day of April next after the delivery of  
 2 the tax books containing the computation and levy of the taxes, or as soon  
 3 thereafter as the treasurer shall present the certificate of the amount of the  
 4 tax, and make a demand therefor, the collector shall pay to the treasurer the  
 5 full amount of the tax certified by the county clerk, or in case any part remains  
 6 uncollected, the collector shall, in addition to the amount collected, deliver to  
 7 the treasurer a statement of the amount of uncollected taxes for each district  
 8 of the township, taking his receipt therefor, which receipt shall be evidence in  
 9 favor of the collector as against the treasurer.

Sec. 194. If any collector shall fail to pay the taxes or any part thereof,  
 2 the treasurer, or other authorized person, may proceed against him and his  
 3 securities in an action of debt upon his official bond in any court of competent  
 4 jurisdiction. The collector so in default shall pay twelve per cent on the  
 5 amount due, to be assessed as damages, which shall be included in the judgment  
 6 rendered against him. If he can show that any part of the taxes could not be  
 7 collected by law, he shall not be liable for such taxes until he has collected, or  
 8 may be able to collect them.

#### BONDS.

Sec. 195. For the purpose of building or repairing school houses or pur-  
 2 chasing and improving school sites, the directors of any school district, when  
 3 authorized by a majority of the votes cast at an election held for that purpose,  
 4 may borrow money; and, as evidence of such indebtedness, may issue bonds  
 5 signed by at least two directors, in denominations of not less than \$100.00, and  
 6 bearing interest at a rate not exceeding 7 per cent per annum.

Sec. 196. All bonds issued by virtue of this Act, before being issued, nego-  
 2 tiated and sold, shall be registered, numbered and countersigned by the treas-

3 urer who receives the taxes of the district. Such registration shall be made in  
 4 a book provided for that purpose, in which shall be entered the record of the  
 5 election authorizing the directors to borrow money, and a description of the  
 6 bonds issued, including the number, date, to whom issued, amount, rate of inter-  
 7 est and when due.

Sec. 197. All moneys borrowed under the authority of this Act shall be  
 2 paid to the treasurer of the township wherein the bonds issued therefor are re-  
 3 quired to be registered. Upon receiving such moneys, the treasurer shall de-  
 4 liver the bond or bonds issued therefor to the person or persons entitled to  
 5 receive them, and shall credit the funds received to the district issuing the  
 6 bonds. The treasurer shall record the exact amount received for each and every  
 7 bond issued. When any such bonds are paid, the treasurer shall cancel the same  
 8 and shall enter, against the record of such bonds, the words "paid and can-  
 9 celled the.....day of.....1.....," filling the blanks with the day,  
 10 month and year corresponding to the date of such payment.

Sec. 198. When it is desired to hold an election for the purpose of bor-  
 2 rowing money, the directors of the district shall give at least ten days' notice  
 3 of the election, by posting notices in at least three of the most public places  
 4 in the district. Such notices shall specify the place where such election is to  
 5 be held, the time of opening and closing the polls, and the question to be voted  
 6 upon, which notice may be in the following form, to-wit:

7 NOTICE OF ELECTION.

8 Notice is hereby given that on.....day of .....  
 9 1....., an election will be held at.....school district No.....  
 10 in .....County, Illinois, for the purpose of voting "For" or  
 11 "Against" the proposition to issue bonds of district No.....to the  
 12 amount of .....dollars due (here insert the times of pay-



13 ment, giving the amount falling due in each year, if the bonds mature at  
 14 different days), which bonds are to bear interest at the rate of.....per cent  
 15 per annum, payable ..... annually.

16 The polls will be opened at .....o'clock....m., and closed at.....  
 17 o'clock ....m.

18 Dated this ..... day of ....., 1.....

19 A..... B.....President.

20 C..... D.....Clerk.

Sec. 199. Two of the directors shall act as judges of the election and one as  
 2 clerk. In case a director shall fail to attend or to act at such election, the legal  
 3 voters assembled shall choose from their number, at the time of opening the polls,  
 4 some person to act as judge or clerk, as the case may be. The judges and  
 5 clerk shall take and subscribe the oath required of judges and clerks of an elec-  
 6 tion held for State and county officers. All votes shall be by ballot.

Sec. 200. Within ten days after the election the judges shall cause the  
 2 poll books to be returned to the township treasurer who is required to register  
 3 such bonds, with a certificate thereon showing the result of the election, which poll  
 4 book shall be filed and kept by the treasurer, and shall be evidence of such election.

Sec. 201. When a school district has issued bonds, or other evidences of  
 2 indebtedness, for any purposes which are binding and subsisting legal obliga-  
 3 tions, and remaining outstanding, the directors of such school district may,  
 4 upon the surrender of any such bonds or other evidences of indebtedness, issue  
 5 in lieu thereof, to the holders or owners of the same, or to other persons for  
 6 money with which to pay the same, new bonds or other evidences of indebted-  
 7 ness, according to the provisions of this Act.

#### COUNTY CLERK.

Sec. 202. Whenever the returns of an election for trustees of schools are  
 2 made to the county clerk, it shall be his duty to furnish to the county superin-



3   tendent of schools, within ten days after such returns have been made, the names  
4   of the trustees so returned to him, and to specify the townships in which they  
5   have been elected.

Sec. 203. It shall be the duty of the county clerk to furnish the directors  
2   of any school district, upon request, a certificate showing the last ascertained  
3   equalized value of the taxable property of such district.

Sec. 204. When a school district lies partly in two or more counties, it  
2   shall be the duty of the county clerk of each county in which any part of such  
3   district lies to furnish, upon request, to the directors of such district, a certifi-  
4   cate showing the last ascertained equalized value of the taxable property in that  
5   part of such district lying in such county.

Sec. 205. It shall be the duty of the county clerk, when making out the  
2   tax books for the collector, to compute each taxable person's tax in each school  
3   district upon the total amount of taxable property as equalized by the State  
4   Board of Equalization for that year, lying and being in such district, whether  
5   belonging to residents or non-residents, and also upon each and every tract of  
6   land, the larger part of which lies in such district. Such compensation shall be  
7   made so as to realize the amount of money required to be raised in such dis-  
8   trict, as shown and set forth in the certificate of tax levy, made out by the  
9   directors of such district, and filed with the township treasurer, as required by  
10   this Act. The said county clerk shall cause each person's tax, so computed, to  
11   be set upon the tax book to be delivered to the collector for that year, in a  
12   separate column against each taxpayer's name, or parcel of taxable property,  
13   as it appears in said collector's books, to be collected in the same manner, and  
14   at the same time, and by the same person, as State and county taxes are col-  
15   lected. He shall number the school districts on the maps in his office to cor-

16 respond with the numbers of districts as returned to him by the county super-  
17 intendent of schools, and in making up the tax books to be delivered to the col-  
18 lector of taxes, the county clerk shall copy into such tax books the number of  
19 the school district set opposite to each person's assessment of personal prop-  
20 erty by the assessor making the assessment of such person, and shall extend  
21 the school tax on each person's assessment of personal property, according to  
22 the rate required by the amount designated by the directors of the school dis-  
23 trict in which such person resides, as shown by the certificate of tax levy. The  
24 computation of each person's tax and the levy made by the clerk shall be final  
25 and conclusive. The rate shall be uniform, and shall not exceed that required  
26 by the amount certified by the board of directors. The said county clerk, be-  
27 fore delivering the tax book to the collector, shall make out and send by mail  
28 to each township treasurer of the county a certificate of the amount due each  
29 district or fraction of a district in his township, from the tax so levied and  
30 placed on the tax books.

Sec. 206. The county clerk shall record and preserve the report of the  
2 county superintendent made to the county board at the first regular term of  
3 such board in each year, relating to the sale of school lands, the amount of  
4 money received, paid, loaned out and on hand, belonging to each township fund  
5 in his control, and the statement copied from the loan book of such county sup-  
6 erintendent, showing all the facts in regard to loans which are required to be  
7 stated in the loan book.

#### THE COUNTY BOARD.

Sec. 207. It shall be the duty of the county board of each county of the  
2 State:

3       *First*—To provide for the county superintendent of schools a suitable office  
4 with necessary furniture and office supplies, as is done in the case of other  
5 county officers.

6       *Sec ond*—To examine and approve or reject the report of the county super-  
7 intendent of schools made to such board.

8       *Third*—To audit at the regular meeting in September, and as near quarterly  
9 thereafter as such board may have regular or special meetings, the itemized bills  
10 of the county superintendent of schools for the expense of his office.

11       *Fourth*—To authorize the county superintendent of schools to employ such  
12 assistants as he needs for the full discharge of his duties, and to fix the com-  
13 pensation thereof, which compensation shall be paid out of the county treasury.

14       *Fifth*—To examine the financial statements of the county superintendent of  
15 schools required by section 11 of this Act and compare the same with vouchers,  
16 and the county board, or so many of them as may be present at the meeting  
17 of the board, shall be liable individually to the fund injured and to the securi-  
18 ties of the county superintendent, in case judgment be recovered of the said  
19 securities, for all damages occasioned by neglect of the duties, or any of them,  
20 required of the board by this section: *Provided, however,* that nothing herein  
21 contained shall be construed to exempt the securities, but they shall remain  
22 liable to the fund injured the same as if the members of the county board were  
23 were not liable to them for neglect of their duty.

Sec. 208. The county board of each county of this State shall have power:

2       *First*—To approve the bond of the county superintendent of schools, and  
3 to increase the penalty of such bond if, in the judgment of the county board,  
4 such penalty should be so increased.

5       *Second*—To require the county superintendent of schools, after notice  
6 given, to execute a new bond, conditioned and approved as the first bond, when-  
7 ever in the discretion of the county board such new bond is necessary: *Pro-*

8 *vided, however, that the execution of such new bond shall not affect the old*  
 9 *bond or the liability of the security thereof.*

10 *Third—To require the county superintendent of schools to make the reports*  
 11 *to such board provided for by law, and to remove him from office in case of*  
 12 *neglect or refusal so to do, or for any palpable violation of law or omission*  
 13 *of duty.*

Sec. 209. When the office of county superintendent of schools shall become  
 2 vacant, the county board shall fill the vacancy by appointment. If by reason  
 3 of a tie upon the vote to fill such vacancy, or from any other cause, the vacancy  
 4 shall not be filled by the county board within thirty days of the time it occurs.  
 5 it shall be the duty of the clerk of the county board to summon the county  
 6 judge of the county in which the vacancy exists to meet with the county board at  
 7 a time and place designated by the clerk, of which meeting the members of the  
 8 county board shall have notice; and the county board and county judge, when so  
 9 notified, shall meet at the time and place designated, at which meeting the county  
 10 judge shall preside, and in case of a tie he shall give the casting vote. The clerk  
 11 shall notify the person so selected of his appointment.

#### SCHOOL FUND.

Sec. 210. The common school fund of this State shall consist, until other-  
 2 wise provided by law, of the proceeds of a two-mill tax levied annually upon  
 3 each dollar of the equalized assessed value of all the property in the State: the  
 4 interest on the school fund proper, which fund is three per cent upon the pro-  
 5 ceeds of the sales of public lands in the State, one-sixth part excepted; and the  
 6 interest on the surplus revenue distributed by Act of Congress and made part  
 7 of the common school fund by Act of the Legislature, March 4, 1837. The in-  
 8 terest on the school fund proper and the surplus revenue shall be paid by the



9 State annually at the rate of six per cent, and shall be distributed as provided  
10 by law.

Sec. 211. On the first Monday in January, annually, the Auditor of Public  
2 Accounts shall apportion to each county the common school fund, in proportion  
3 to the number of persons in each county under the age of twenty-one years, as  
4 ascertained from the next preceding State or federal census, and shall issue an  
5 order upon the county collector to pay to the county superintendent of schools  
6 the amount of such order out of the first funds collected by him and not other-  
7 wise appropriated by law, and take the county superintendent's receipt for the  
8 same.

Sec. 212. The orders issued by the Auditor of Public Accounts for the com-  
2 mon school fund shall be received by the State Treasurer in payment of amounts  
3 due the State from county collectors. On presentation of such orders the Au-  
4 ditor shall issue his warrant to the treasurer on the school fund for the amount  
5 of the school fund tax orders, and on the revenue fund for the amount of the  
6 orders for interest on the school fund proper and the surplus revenue.

Sec. 213. If a collector shall fail or refuse to pay the amount of an audi-  
2 tor's order, or any part thereof, by the first day of March, annually, or as soon  
3 thereafter as it may be presented, the county superintendent shall begin an  
4 action for debt against the collector and his securities in any court having com-  
5 petent jurisdiction, and unless it shall appear to the satisfaction of the court  
6 that on the first day of March, or on the day of presentation of payment there-  
7 after, the collector had not collected funds sufficient to pay such order, interest  
8 at the rate of twelve per cent per annum upon the amount due shall be assessed  
9 as damages and included in the judgment against the collector.

Sec. 214. On or before the 30th day of September of each year the county  
 2 collectors, county superintendents of schools, township collectors, and all other  
 3 persons paying money into the hands of school treasurers for school purposes,  
 4 shall notify in writing the presidents of school trustees and the clerks of school  
 5 directors of the amount paid into the treasurer's hands and the date of pay-  
 6 ment.

Sec. 215. The county superintendent of schools shall apportion and dis-  
 2 tribute, under rules and regulations prescribed by the Superintendent of Pub-  
 3 lic Instruction, the principal of the county fund to the townships and parts of  
 4 townships in his county, according to the number of persons under 21 years  
 5 of age returned to him. The principal of the county fund so distributed shall  
 6 be added to the principal of the township fund of the townships and parts of  
 7 townships in his county. The interest, rents, issues and profits, arising and ac-  
 8 cruing from the principal of the county fund shall be distributed to the town-  
 9 ships and parts of townships in his county, as required by the provisions of  
 10 this Act.

Sec. 216. All bonds, notes, mortgages, moneys and effects which have ac-  
 2 crued or may accrue from the sale of the sixteenth section of the common  
 3 school lands of any township, or from the sale of any real estate or other prop-  
 4 erty taken on any judgment or for any debt due to the principal of any town-  
 5 ship fund, and all other funds of every description which have been or may be  
 6 carried to and made part of the principal of any township fund, shall forever  
 7 constitute the principal of the township fund; and no part thereof shall ever  
 8 **be distributed or expended for any** purpose whatever, but shall be loaned and  
 9 held to use, rent or profit, as provided by law. The interest, rents, issues and  
 10 profits arising and accruing from the principal of any township fund shall be  
 11 distributed in the manner and at the times provided by this Act; nor shall any

12 part of such interest, rents, issues and profits be carried to the principal of any  
 13 township fund, unless it shall appear on the first Monday in October in any  
 14 year that there is rent, interest, issues, profits or other funds not required for  
 15 distribution. In such case the amount not required for distribution may, in the  
 16 discretion of the trustees of schools, be added to the principal of the township  
 17 fund and loaned as such.

#### SCHOOL LANDS.

Sec. 217. Section sixteen in every township, and the sections and parts of  
 2 sections granted in lieu of all or part of such section, and also the lands  
 3 granted for the use of schools to the inhabitants of fractional townships in  
 4 which there is no section sixteen, or in case such section shall not contain the  
 5 proper proportion for the use of schools in such fractional townships, shall be  
 6 held as common school lands; and the provisions of this Act referring to com-  
 7 mon school lands shall be deemed to apply to them.

Sec. 218. All the business of a township, relating to common school lands  
 2 shall be transacted in the county which contains all or the greater portion  
 3 of such lands.

Sec. 219. The trustees of schools in townships in which section sixteen, or  
 2 other lands granted in lieu thereof, remain unsold, or which has title to any  
 3 other school lands whatsoever, may rent or lease the same for an annual rent  
 4 to be paid in money. The contract made by the president and clerk, under the  
 5 direction of the trustees of schools, with the lessee or lessees, for the rent or  
 6 lease of such lands, shall be in writing and shall be filed with the records of  
 7 the board, and a copy transmitted to the county superintendent. In case of  
 8 default in the payment of the rent, the trustees shall at once proceed to collect  
 9 the same by distress, or otherwise, as may be provided by law for the collec-

tion of rents by landlords. No lease taken under the provisions of this Act shall be for a longer period than five years, except when such lands are leased for the purpose of having permanent improvements made thereon, as in cities and villages. The provisions of this section shall not apply to cities having a population of over one hundred thousand inhabitants.

Sec. 220. The trustees of schools of any township are hereby authorized to sell and convey to any railroad company a right of way across any school lands of such township, and necessary depot grounds.

Sec. 221. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars, which penalty shall be recovered with costs of suit, by an action of debt or assumpsit, before any justice of the peace, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by *qui tam* action in the name of any person who will first sue for the same. One-half of the judgment secured in such action shall go to the person suing and the other half to the township. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed.

Sec. 222. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, shall be fined three times the amount of the injury occasioned by the trespass, and shall stand committed as in other cases of misdemeanor.

Sec. 223. All penalties and fines collected under the provisions of the two preceding sections shall be paid to the township treasurer and be added to the principal of the township fund.



Sec. 224. When the inhabitants of any township shall desire the sale of the  
 2 common school lands of such township, they shall present to the county superin-  
 3 tendent of the county in which the school lands of the township or the greater  
 4 part thereof lie, a petition for their sale. Such petition shall be signed by at  
 5 least two-thirds of the legal voters of the township. The petition must be  
 6 signed in the presence of at least two adult citizens of the township, after the  
 7 true meaning and purpose thereof have been explained; and an affidavit must be  
 8 affixed thereto by the two citizens witnessing the signing, which affidavit shall  
 9 state the number of inhabitants in the township 21 years of age and over, and  
 10 the petition so verified shall be delivered to the county superintendent for his  
 11 action thereon. In townships having a population of more than 10,000 inhabi-  
 12 tants, such petition shall be signed by at least one-tenth of the legal voters of  
 13 the township, and delivered to the county superintendent at least fifteen days  
 14 preceding the regular election of trustees, or the date of a special election  
 15 which may be called for such purpose; and thereupon it shall be the duty of the  
 16 county superintendent to notify the voters of such township that an election for  
 17 or against the proposition to sell common school lands of the township, or a por-  
 18 tion thereof, will be held at the next regular election of trustees, or at a special  
 19 election called for that purpose, by posting notices of such election in at least  
 20 ten of the most public places throughout such township, for at least ten days  
 21 before the date of such regular election, which notice may be in the fol-  
 22 lowing form, to-wit:

23 ELECTION FOR SALE OF COMMON SCHOOL LANDS.

24 Notice is hereby given that on ..... the .....  
 25 day of ....., 1....., an election will be held at .....  
 26 for the purpose of voting "for or against" the proposition to sell common school  
 27 lands of the township, to-wit: (here insert description of the lands).

28 The polls will be opened at ..... o'clock ..... m., and closed at .....  
 29 o'clock ..... m.

30 A ..... B.....

31 *County Superintendent.*

32       The ballots of such election shall be received and canvassed as in other elec-  
33 tions provided for in this Act, and returns of the results thereof made to the  
34 county superintendent, and if two-thirds of the vote upon such proposition shall  
35 have been cast in favor of the sale, the county superintendent shall act thereon.  
36 No section shall be sold in any township containing fewer than 200 inhabitants;  
37 and common school lands in fractional townships may be sold when the number  
38 of inhabitants and the number of acres are in, or above, a ratio of 200 to 640,  
39 but not before.

Sec. 225. Any fractional township not having the requisite number of in-  
2 habitants to petition for the sale of school lands, which has not heretofore been  
3 united with any township for school purposes, and which does not contain a suffi-  
4 cient number of inhabitants to maintain a free school, is hereby attached for  
5 school purposes, to the adjacent congressional township having the longest  
6 territorial line bordering on such fractional township, and all the provisions  
7 of this Act shall apply to such united townships the same as though they were  
8 one and the same township.

Sec. 226. When the petition and affidavits are delivered to the county sup-  
2 erintendent, he shall notify the trustees of the township, who shall immedi-  
3 ately divide the land into tracts or lots, of such form and quantity as will pro-  
4 duce the largest sum of money, and cause a plat of the same to be made with  
5 each lot numbered and defined so that its boundaries may be forever ascertained.

Sec. 227. In subdividing common school lands, no lot shall contain more  
2 than eighty acres, and the division may be into town or village lots, with roads,  
3 streets or alleys between them and through the same; and all such divisions  
4 are hereby declared legal and all such roads, streets and alleys, public  
5 highways.

Sec. 228. After the school lands have been subdivided and platted, the trustees of schools shall fix the value of each lot, certify to the correctness of the plat, stating in the certificate the value of each lot, and describing it so that it may be identified; which plat and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling such lands.

Sec. 229. Upon receipt of the plat and certificate of valuation the county superintendent shall advertise the sale of such land in lots, as divided and platted, by posting notice thereof in at least six public places in the county forty days before the day of sale, describing the land and stating the time, place and terms of sale. Such notice shall also be printed each week for four weeks before the day of sale in a newspaper published in the county, and shall be in the following form, to-wit:

#### NOTICE OF SALE.

Notice is hereby given that on the.....day of..... 1.... between the hours of 10:00 o'clock a. m. and 6:00 o'clock p. m., the undersigned superintendent of schools of.....county, will sell at public sale to the highest bidder, at the.....door of the court house in.....( or on the premises), the following described real estate, the same being a part of the school lands of township No.....range No.....as divided and platted by the trustees of schools of said township, to-wit: (Here insert full and complete description of said premises). Said lands will be sold for cash in hand, with the privilege to any purchaser of borrowing from the undersigned the whole or part of the payment of his bid, for not less than one nor more than five years, upon his paying interest and giving security, as required in case of a loan obtained from the township fund.

Dated this.....day of..... 1....

A.....B.....

*County Superintendent.*



Sec. 230. Upon the day of sale, the county superintendent shall proceed to  
 2 make sales as follows: He shall begin at the lowest numbered lot and proceed  
 3 regularly to the highest numbered, until they are all sold or offered. No lot  
 4 shall be sold for less than its valuation. The sale may continue from day to  
 5 day. Each lot shall be sold separately, and offered long enough to enable any  
 6 person present to bid who may desire to do so.

Sec. 231. At the close of each day's sale the purchasers shall each pay or se-  
 2 cure the payment of the purchase money. In case of a failure to do so by 10:00  
 3 o'clock the succeeding day, the lot purchased shall again be offered at public  
 4 sale, on the same terms as before. If the sale is or is not made the former  
 5 purchaser shall be required to pay the difference between his bid and the valua-  
 6 tion of the lot, and in case of his failure to make such payment, the county super-  
 7 intendent may forthwith institute an action of debt or assumpsit in his name, as  
 8 superintendent, for the use of the inhabitants of the township where the land  
 9 lies, for the required sum; and upon making proof, shall be entitled to judgment,  
 10 with costs of suit which, when collected, shall be added to the principal of the  
 11 township fund.

Sec. 232. All lands not sold at public sale, as herein provided for, shall be  
 2 subject to sale at any time thereafter, at the valuation; and the county superin-  
 3 tendents are authorized and required, when in their power, to sell all such  
 4 lands at private sale, upon the terms at which they were offered at public sale.

Sec. 233. In all cases in which common school lands have been valued and  
 2 have remained unsold for two years after having been offered for sale in con-  
 3 formity to this Act, the trustees of schools where such lands are situated may  
 4 vacate the valuation thereof by an order to be entered in book A of the county  
 5 superintendent, and cause a new valuation to be made, if in their opinion, the



6 interests of the township will be promoted thereby. They shall make the sec-  
 7 ond valuation in the same manner as the first, and shall deliver to the county  
 8 superintendent a plat of the land at such second valuation, with the order of va-  
 9 cation, to be entered, as aforesaid; whereupon the county superintendent shall  
 10 offer the land for sale, as if no former valuation had been made. The second  
 11 valuation may be made by the trustees of schools without a petition.

Sec. 234. Upon the completion of every sale the county superintendent  
 2 shall deliver to the purchaser a certificate of purchase including the name and  
 3 residence of the purchaser and the price and description of the land.

Sec. 235. Every purchaser of common school lands shall be entitled to a  
 2 patent from the State, conveying and assuring the title. Patents shall be is-  
 3 sued by the Auditor of Public Accounts from returns made to him by the county  
 4 superintendent. They shall contain a description of the land granted, and shall  
 5 be in the name of and signed by the Governor, countersigned by the Auditor,  
 6 with the great seal of State affixed thereto by the Secretary of State, and shall  
 7 operate to vest in the purchaser a perfect title in fee simple. When patents  
 8 are executed as herein required, the Auditor shall note on the list of sales the  
 9 date of each patent, in such manner as to perpetuate the evidence of its date and  
 10 delivery, and thereupon transmit the same to the county superintendent of the  
 11 proper county, to be by him delivered to the patentee, his heirs or assigns, upon  
 12 the return of the original certificate of purchase, which certificate, when re-  
 13 turned, shall be filed and preserved by the county superintendent; and all such  
 14 patents so issued by the State for school lands, or duly certified copies thereof  
 15 from any record legally made, shall, after a lapse of ten years from the date of  
 16 such patent, and such sale having been acquiesced in for ten years by the inhabi-  
 17 tants of the township in which the land so conveyed may be situated, be con-  
 18 clusive evidence as to the legality of the sale, and that the title to such land was,  
 19 at the date of the patent, legally vested in the patentee.

Sec. 236. Purchasers of common school lands, and their heirs or assigns,  
2 may obtain certified copies of certificates of purchase and patents, upon filing  
3 affidavit with the county superintendent in respect to certificates, and with the  
4 auditor in respect to patents, proving the loss or destruction of the originals;  
5 and such copies shall have the force and effect of originals.

Sec. 237. The trustees of schools are hereby authorized to dedicate to pub-  
2 lic use, for street and highway purposes, as much of the unimproved common  
3 school lands as may be necessary to open or extend any street or highway  
4 which may be ordered by the municipal authorities to be opened or extended,  
5 if they shall be of the opinion that the benefits to accrue from the opening or  
6 extending of such street or highway will compensate for the strip so dedicated.  
7 It shall not be lawful for any street or other railroad to lay tracks on any  
8 strip of the common school lands so dedicated, or use the same or any part  
9 thereof for railroad or street railroad purposes, except upon the purchase or  
10 lease of the land from the proper authorities, or upon payment to the school  
11 fund of the township of the value of such use or land, the same as if no street  
12 or highway had been laid out thereon, to be determined by condemnation pro-  
13 ceedings. This section shall not in any way affect existing leases or contracts  
14 for the lease or purchase of common school lands.

#### FINES, FORFEITURES AND PENALTIES.

Sec. 238. All fines, forfeitures and penalties imposed or incurred in any  
2 of the courts of record, or before any justice of the peace of the State, except  
3 fines, forfeitures and penalties incurred or imposed in incorporated towns or  
4 cities for the violation of the by-laws or ordinances thereof, shall, when col-  
5 lected, be paid to the county superintendent of schools of the county wherein  
6 such fines, forfeitures or penalties have been imposed or incurred, and the

7 county superintendent of schools shall give his receipt therefor to the person  
8 from whom such fine, forfeiture or penalty was received.

Sec. 239. It shall be the duty of the State's attorneys of the several coun-  
2 ties to enforce the collection of all fines, forfeitures and penalties imposed or  
3 incurred in the courts of record of their respective counties, and to pay the same  
4 to the county superintendent of the county wherein the same have been im-  
5 posed or incurred, retaining therefrom the fees and commissions allowed them  
6 by law.

Sec. 240. It shall be the duty of the justices of the peace to enforce the  
2 collection of all fines, forfeitures and penalties imposed by them; and to pay  
3 the same to the county superintendent of the county in which the same were  
4 imposed.

Sec. 241. Clerks of courts of record, State's attorneys and all justices of  
2 the peace shall report, under oath, to the county court of their respective coun-  
3 ties, by the first of March, annually, the amount of such fines, forfeitures and  
4 penalties imposed or incurred in their respective courts, and the amount of such  
5 fines, forfeitures and penalties collected by them, giving each item separately;  
6 and if any such officer has collected no such fines, forfeitures or penalties he  
7 shall make affidavit to such fact, and file the same with the county superintend-  
8 ent. The judges of the county court shall inspect the said reports, and may  
9 hear evidence thereon, and if found correct and truthful, shall enter an order  
10 approving such report, and directing that any moneys in the hands of such  
11 officers so reporting shall be paid over to the superintendent of schools. If the  
12 court shall not approve such report, he may order another one to be made, and  
13 upon a failure to comply with the order of the court, or to make a satisfactory  
14 report, the court may state an account and enter an order to pay over, as  
15 herein provided. The court, for all purposes for carrying out the provisions



16 of this section, shall have power to examine books and papers as provided  
17 in section 240 of this Act, and shall have power to issue subpoenas for both  
18 books and persons. No report shall be approved until the court shall have  
19 given the superintendent five days' notice of the same, and the superintendent  
20 shall be allowed to inspect the report, and may be heard by the court concern-  
21 ing the same. The officers charged with the collection of fines, forfeitures and  
22 penalties, the said clerks, State's attorneys and justices of the peace, for a  
23 failure to make such report, shall be liable to a fine of twenty-five dollars for  
24 each offense, such fine to be recovered in a civil action, before any court, at the  
25 suit of the county superintendent of schools of the proper county.

Sec. 242. For a failure to pay any fine, forfeiture or penalty, on demand,  
2 to the person who is by law authorized to receive the same, the officer or per-  
3 son having collected the same, or having the same in his possession or control,  
4 shall forfeit and pay double the amount of such fine, forfeiture or penalty, to be  
5 recovered before any court having jurisdiction thereof, in a *qui tam* action,  
6 one-half to be paid to the informer and one-half to the distributive fund of the  
7 proper county.

Sec. 243. In case any clerk of a court of record, State's attorney or  
2 justice of the peace shall fail to make the report provided for in section 238  
3 of this Act, the county court shall have power, and it is hereby made the duty  
4 of the judge of said court, to examine all records pertaining to the office of  
5 such delinquent officer and enforce the payment of whatever sum may be found  
6 due the school fund from such delinquent officer. For the purpose of making  
7 such examination, the county court shall have the right to call for any paper  
8 or papers, docket, fee book or other record belonging to the office of such de-  
9 linquent officer, and in case such delinquent officer fails or refuses to furnish  
10 such paper, docket, fee book or other record for the inspection or use of such



11 county court, he shall forfeit the sum of one hundred dollars, to be recovered  
12 in an action of debt or asumpsit, before any court of this State having juris-  
13 diction of the actions of debt and assumpsit, and such penalty, when collected,  
14 shall be paid into the distributive fund of the proper county.

#### LIABILITY OF SCHOOL OFFICERS.

Sec. 244. When the county superintendent of schools of any county shall  
2 notify the trustees of schools of a township, in writing, that the notes, bonds,  
3 mortgages or other evidences of indebtedness which have been taken officially by  
4 the township treasurer, are not in proper form, or that the securities which he  
5 has taken are insufficient, it shall be the duty of the trustees to take at once such  
6 action as may be necessary to protect the property or fund of the township and  
7 the district. For a failure or refusal to take such action within twenty days  
8 after such notice, the trustees of schools, each in his individual capacity,  
9 shall be liable to a fine of not less than twenty-five nor more than one hundred  
10 dollars to be recovered before any justice of the peace, or information in the  
11 name of the People of the State of Illinois, provided such insufficiency is proven,  
12 and, when collected, such fine shall be paid to the county superintendent of the  
13 proper county for the use of the schools. The payment of this fine shall not re-  
14 lieve the board of trustees from any civil liability they may have incurred from  
15 such neglect of duty.

Sec. 245. When a change shall be made in the boundaries of a school dis-  
2 trict, and a written statement of such change shall be delivered to the county  
3 clerk, it shall be the duty of the county clerk to file such statement and all  
4 papers relating thereto and record them. And in case of a neglect or failure to

5 do so the said county clerk shall be liable to a penalty of twenty-five dollars, to  
6 be recovered by an action of debt, before any justice of the peace, at the suit of  
7 the county superintendent, for the benefit of the school fund of the county.

Sec. 246. Trustees of schools shall be liable, jointly and severally, for the  
2 sufficiency of securities taken from township treasurers; and in case of judg-  
3 ment against any treasurer and his securities for or on account of any default of  
4 such treasurer, on which the money shall not be made for want of sufficient  
5 property whereon to levy execution, action on the case may be maintained  
6 against the trustees, jointly and severally, and the amount not collected on the  
7 judgment shall be recovered with costs of suit from such trustees. If the trus-  
8 tees can show, satisfactorily, that the security taken from the treasurer, was,  
9 at the time it was taken, good and sufficient, they shall not be liable.

Sec. 247. If the trustees of schools shall fail to observe the provisions of  
2 this Act in reference to the distribution of funds and property when a new  
3 district is formed, they shall be individually and jointly liable to the district in-  
4 terested, in an action on the case, to the full amount of the damages sustained  
5 by the district aggrieved. When trustees have heretofore failed to make the  
6 distribution of property to districts, as provided by this Act, the district in-  
7 terested in such distribution may, by its directors, request the trustees in writ-  
8 ing to make such distribution; and the trustees shall make it in the manner  
9 prescribed, and shall be liable as herein stated, for the neglect or failure to  
10 do so.

Sec. 248. The clerk of any board of trustees who shall fail, neglect or re-  
2 fuse to perform the duties imposed upon him by this Act, within the time or  
3 in the manner prescribed, shall, for each offense, forfeit not less than ten dol-  
4 lars, nor more than twenty-five dollars, of his pay as clerk of the trustees of

5 schools and township treasurer, which forfeiture shall be enforced by the

Sec. 249. For a failure on the part of the treasurer, clerk of any board  
2 of directors, or any director, to comply with any of the requirements of this  
3 Act, he shall be liable to a penalty of not less than five dollars nor more than  
4 fifty dollars, to be recovered before any justice of the peace of the county in  
5 which the offense is committed.

Sec. 250. For any failure or refusal to perform all the duties required of  
2 the township treasurer by law, he shall be liable to the trustees of schools, upon  
3 his official bond, for all damages sustained, to be recovered by action of debt  
4 by the trustees for the use of the township, before any court having jurisdic-  
5 tion of the amount of damages claimed; but if the treasurer, in any failure or  
6 refusal, acted under and in conformity to a requisition or order of the trustees  
7 of schools, or a majority of them, entered upon their journal and subscribed  
8 by their president and clerk, then, and in that case, the trustees of schools or  
9 those voting for such requisition or order, and not the treasurer, shall be liable.  
10 jointly and severally, to the inhabitants of the township for such damages, to  
11 be recovered by an action of assumpsit in the official name of the county super-  
12 intendent of schools, for the use of the townships: *Provided, however,* that the  
13 township treasurer shall be liable for any part of the judgment obtained  
14 against the trustees of schools which cannot be collected on account of their  
15 insolvency.

Sec. 251. If judgment shall be obtained against any trustee of schools or  
2 directors, the party entitled to the benefit of such judgment may have execu-  
3 tion therefor as follows: The court in which such judgment shall be obtained,  
4 or to which such judgment may be removed by transcript or appeal from a  
5 justice of the peace, or other court, shall issue a writ commanding the directors,  
6 trustees.



6 trustees and treasurer of such township to cause the amount thereof, with in-  
7 terest and costs, to be paid to the party entitled to the benefit of such judgment,  
8 out of any moneys of such township or district unappropriated, or if there be  
9 no such moneys, out of the first moneys applicable to the payment of the kind  
10 of services or indebtedness for which such judgment shall be obtained, which  
11 shall be received for the use of such township or district, and to enforce obedi-  
12 ence to such writ by attachment, or by mandamus, requiring such board to levy  
13 a tax for the payment of such judgment; and all legal processes, as well as  
14 writs to enforce payment, shall be served either on the president or the clerk  
15 of the board.

Sec. 252. Trustees of schools, or either of them, failing or refusing to  
2 make returns of children in their township according to the provisions of this  
3 Act, or if either of them shall knowingly make a false return, the party so  
4 offending shall be liable to a penalty of not less than ten dollars nor more than  
5 one hundred dollars, to be recovered by an action of assumpsit before any  
6 justice of the peace of the county; which penalty, when collected, shall be added  
7 to the distributive fund of the township in which the trustees reside.

Sec. 253. If the judges of a school election called for any legal purpose  
2 shall fail or neglect to deliver a copy of the poll book of any such election, with  
3 a certificate thereon showing the results of such election, to the officer to whom  
4 such return shall be made, within ten days after such election, they shall be  
5 severally liable to a penalty of not less than twenty-five dollars nor more than  
6 one hundred dollars, to be recovered in the name of the People of the State of  
7 Illinois, by an action of debt before any justice of the peace of the county. The  
8 penalty, when collected, shall be added to the distributive fund of the township.

Sec. 254. If the school directors of any district in this State shall fail to  
2 examine and deliver to the township treasurer on or before the seventh day of



July, annually, all teachers' schedules made and certified as required by law, and covering the time taught during the school year ending June 30, they shall be personally liable to the district for any and all loss sustained by it through their failure to do so.

Sec. 255. Any director who shall be interested in a contract made by the board of which he is a member shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five dollars and not more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

Sec. 256. For any failure to comply with the requisitions of section 97 of this Act, the treasurer or other person neglecting or refusing shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt before any justice of the peace, for the benefit of the distributive fund of such township: *Provided, however,* that the obtaining or payment of such judgment shall in no wise discharge or diminish the obligations of the persons signing the official bond of such township treasurer.

Sec. 257. If any county superintendent, trustee of schools, township treasurer, director or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any part thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in a sum not less than double the amount of money converted to his own use, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

Sec. 258. The real estate of county superintendents, of township treasurers,  
 2 and all other school officers, and of the securities of each of them, shall be bound  
 3 for the satisfaction and payment of all claims and demands against such super-  
 4 intendents, treasurers and other school officers as such from the date of issuing  
 5 process against them, in actions or suits brought to recover such claims or de-  
 6 mands until satisfaction thereof be obtained; and no sale or alienation of real  
 7 estate, by any superintendent, treasurer or other officer or security, shall de-  
 8 feat the lien created by this section, but all and singular such real estate held,  
 9 owned or claimed, shall be liable to be sold in satisfaction of any judgment  
 10 which may be obtained in such actions or suits.

Sec. 259. If any county superintendent, trustee, director, or other officer  
 2 whose duty it is, shall negligently or wilfully fail or refuse to make, furnish  
 3 or communicate statistics and information, or shall fail to discharge the duties  
 4 enjoined upon them, or either of them, at the time and in the manner required  
 5 by the provisions of this Act, he shall be liable to a fine of not less than twenty-  
 6 five dollars, to be recovered before any justice of the peace at the suit of any per-  
 7 son, on information in the name of the People of the State of Illinois, and when  
 8 collected, the fine shall be paid to the county superintendent of schools.

Sec. 260. No State, county, township or district school officer, or teacher  
 2 shall be interested in the sale, proceeds or profits of any book, apparatus or  
 3 furniture used or to be used in any school in this State with which such officer  
 4 or teacher may be connected; and for offending against the provisions of this  
 5 section such State, county, township or district school officer or teacher shall be  
 6 liable to indictment, and upon conviction shall be fined not less than twenty five  
 7 nor more than five hundred dollars, and may be imprisoned in the county jail  
 8 not less than one nor more than twelve months, at the discretion of the court.

Sec. 261. Any school officer or officers, or any other person, who shall exclude or aid in excluding from the public schools, on account of color, any child who is entitled to the benefits of such school, shall be fined, upon conviction, not less than five nor more than one hundred dollars.

Sec. 262. Any person who shall, by threats, menace or intimidation, prevent any child entitled to attend a public school in this State from attending such school shall upon conviction, be fined not exceeding twenty-five dollars.

Sec. 263. No county, city, town, township, school district or other public corporation shall make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money, or other personal property, be made by any such corporation to any church or for any sectarian purpose. Any officer, or other person having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section shall be liable to indictment, and upon conviction, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

Sec. 264. County superintendents, trustees of schools, township treasurers and directors, or either of them, or any other officer having charge of school funds or property, shall be pecuniarily responsible for all losses sustained by any county or township fund, by reason of any failure on his or their part to perform the duties required of him or them by the provisions of this Act, or by any rule or regulation authorized to be made by the provisions of this Act, and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount of such loss may be recovered in a



9 civil action brought in any court having jurisdiction thereof, at the suit of  
10 the State of Illinois, for the use of the county, township or fund injured; the  
11 amount of the judgment obtained in such suit shall, when collected, be paid  
12 to the proper officer for the benefit of the county, township or fund injured.

## MISCELLANEOUS.

Sec. 265. All school officers elected in pursuance of any general law now  
2 in force shall hold their respective offices until their successors are elected and  
3 qualified under the provisions of this Act.

Sec. 266. Trustees of schools, school directors or other school officers per-  
2 forming like duties, shall receive no pecuniary compensation, but they shall  
3 be exempt from road labor and military duty during their term of office.

Sec. 267. No justice of the peace, constable, clerk of any court, sheriff or  
2 coroner shall charge any costs in any suit in which any school officer, school  
3 corporation or any agent of any school fund, suing for the recovery of the  
4 same, or any interest due thereon, is plaintiff and shall be unsuccessful in  
5 such suit; nor in case the costs cannot be recovered from the defendant by  
6 reason of the insolvency of such defendant.

Sec. 268. No person shall vote at any school election held under the pro-  
2 visions of this Act who does not possess the qualifications of a voter at a gen-  
3 eral election.

Sec. 269. Any woman who has attained the age of twenty-one years, and  
2 who possesses the qualifications prescribed, shall be eligible to any office under  
3 the general or special laws of this State.



Sec. 270. Any woman who is a citizen and has attained to the age of 21

2 years, who shall have resided in the State one year, in the county ninety days  
3 and in the election district thirty days preceding any election held for the pur-  
4 pose of choosing any school officer under the general or special school laws of  
5 this State, shall be entitled to vote at such election, when registered in the man-  
6 ner provided by law. If the election of school officers shall occur at the time  
7 other public officers are elected, the ballot offered by any woman shall contain  
8 only the names of candidates for school officers. Such ballots shall be depos-  
9 ited in a separate ballot box, but canvassed with other ballots cast for school  
10 officers at such election.

Sec. 271. The Governor shall, annually, in the spring, designate by official

2 proclamation, a day or days to be known as "Arbor and Bird day," to be ob-  
3 served throughout the State as a day for planting trees, shrubs and vines  
4 about the homes and along highways, and about public grounds within this  
5 State, and as a day on which to hold appropriate exercises in the public schools  
6 and elsewhere, tending to show the value of trees and birds and the necessity  
7 for their protection.

Sec. 272. The proceedings of the State Teachers' Association, when ap-

2 proved by the Superintendent of Public Instruction, shall be printed and bound  
3 by the Secretary of State, on the same terms as the proceedings of State  
4 boards, and the Auditor of Public Accounts shall draw his warrant therefor  
5 on the State Treasurer to be paid out of the appropriation for printing, upon  
6 a voucher properly certified by the Board of Commissioners of State Con-  
7 tracts.

Sec. 273. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches, in all schools under State control, or supported wholly or in part by public money, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools, below the second year of the high school and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year from suitable text books in the hands of all pupils, for not less than four lessons a week for ten or more weeks of each year, and must pass the same tests in this as in other studies. In all schools above mentioned all pupils in the lowest three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three lessons a week for ten weeks in each year, by teachers using text books adapted for such oral instruction as a guide and standard. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study. The text books in the pupils' hands shall be graded to the capacity of the fourth year, intermediate, grammar and high school pupils, or to corresponding classes as found in ungraded schools. For students below high school grade such text books shall give at least one-fifth their space, and for students of high school grade shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. The pages on this subject, in a separate chapter at the end of the book, shall not be counted in determining the minimum. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the

29 best methods of teaching it. Any school officer or officers who shall neglect or  
 30 fail to comply with the provisions of this section shall forfeit and pay for  
 31 each offense the sum of not less than five dollars nor more than twenty-five  
 32 dollars.

Sec. 274. Every person having control of any child between the ages of  
 2 seven and sixteen years, shall annually cause such child to attend some public or  
 3 private school for the entire time during which the school attended is in session,  
 4 which shall not be less than six months of actual teaching: *Provided, however,*  
 5 that this Act shall not apply in case the child has been or is being instructed for  
 6 a like period in each and every year in the elementary branches of education by  
 7 a person or persons competent to give such instruction, or in case the child's  
 8 physical or mental condition renders his or her attendance impracticable or in-  
 9 expedient, or in case the child is excused for temporary absence for cause by the  
 10 principal or teacher of the school which said child attends, or in case the child  
 11 is between the ages of fourteen and sixteen years and is necessarily and lawfully  
 12 employed during the hours when the public school is in session. For every neg-  
 13 lect of the duty prescribed by this section, the person so offending shall forfeit  
 14 to the use of the public schools of the city, town or district in which such child  
 15 resides, a sum not less than five dollars nor more than twenty dollars and  
 16 costs of suit, and shall stand committed until such fine and costs of suit are  
 17 fully paid.

Sec. 275. The board of education or the board of school directors, as the  
 2 case may be, shall appoint at the time of election of teachers one or more truant  
 3 officers whose duty it shall be to report all violations of the preceding section to  
 4 the board of education or board of directors and to enter complaint against and  
 5 prosecute all persons who shall appear to be guilty of such violation. It shall



6 also be the duty of the truant officer to arrest any child of school going age that ha-  
 7 bitually haunts public places and has no lawful occupation, and also any truant  
 8 child who absents himself or herself from school, and to place him or her in  
 9 charge of the teacher having charge of any school which said child is by law en-  
 10 titled to attend, and which school shall be designated to said officer by the pa-  
 11 rent, guardian or person having control of said child. In case such parent,  
 12 guardian or person shall designate a school without making or having made  
 13 arrangements for the reception of said child in the school so designated, or in  
 14 case he refuses or fails to designate any school, then such truant officer shall  
 15 place such child in charge of the teacher of the public school. And it shall be  
 16 the duty of said teacher to assign said child to the proper class and to instruct  
 17 him or her in such studies as he or she is fitted to pursue. The truant officer so  
 18 appointed shall be entitled to such compensation for services rendered under this  
 19 Act as shall be determined by the board appointing him, which compensation  
 20 shall be paid from the distributive fund of the district: *Provided, however,* that  
 21 nothing herein shall prevent the parent, guardian or person having charge of  
 22 such truant child, which has been placed in any school by the truant officer, to  
 23 send said child to any other school which said child is by law entitled to attend.  
 24 Any person having control of a child, who, with intent to evade the provisions  
 25 of this section, shall make a false statement concerning the age or the employ-  
 26 ment of such child or the time such child has attended school, shall for such of-  
 27 fense forfeit a sum of not less than three dollars nor more than twenty dollars  
 28 for the use of the public schools of the district.

Sec. 276. This Act shall not be construed so as to repeal or change, in  
 2 any respect, any special Act in relation to schools in cities having a popula-  
 3 tion of fewer than 100,000 inhabitants, or cities, townships or districts, except  
 4 that in every such city, township or district the limit of taxation for educa-  
 5 tional and building purposes shall be the same as that fixed in section 189 of



6 this Act; and except that it shall be the duty of the several boards of educa-  
7 tion or other officers of any city, township or district, having in charge schools  
8 under the provisions of any special Act or Acts, on or before the 15th day of  
9 July preceding each session of the General Assembly of this State, or annu-  
10 ally, if required so to do by the Superintendent of Public Instruction, to re-  
11 port statistics and other information relating to schools, and the enumeration  
12 of persons as required of trustees of schools or directors, under the provi-  
13 sions of this Act, or so much thereof as may be applicable to such city, town-  
14 ship or district, to the county superintendent of the county in which such city,  
15 township or district is situated; nor shall it be lawful for the county super-  
16 intendent, or any other officer or person, to pay over any portion of the common  
17 school fund to any local treasurer, school agent, clerk, board of education or  
18 other officer or person of any city, township or district, unless a report of the  
19 number of persons, and other statistics relating to schools, and such other infor-  
20 mation as may be required by the trustees of schools or school directors, and  
21 other school officers and teachers, under the provisions of this Act, shall have  
22 been filed with the superintendent of the proper county.

#### REPEAL AND EMERGENCY.

Sec. 277. An Act to establish and maintain a system of free schools, ap-  
2 proved May 21, 1889, as amended, is hereby repealed.

Sec. 278. Whereas, an emergency exists, this Act shall take effect from and  
2 after its passage.



# HOUSE AMD'T TO S. B. No.

## AMENDMENTS TO

46th Assem.

SENATE—No. 96

May 1909

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### AMENDMENT NO. 1.

Amend Senate Bill No. 96 in House, section 4, line 3, by inserting the word “public” before the word “schools.”

Amend Senate Bill No. 96 in House, section 4, line 23, by striking out the word “require” and inserting therefor the word “request.”

### AMENDMENT NO. 3.

Amend Senate Bill No. 96 in House, section 15, line 11, by inserting the word “public” before the word “school.”

### AMENDMENT NO. 4.

Amend Senate Bill No. 96, in House, section 114, line 15, by inserting the words “the public” before the word “schools.”

### AMENDMENT NO. 5.

Amend Senate Bill No. 96 in House, section 114, line 16, by inserting the word “public” before the word “school” where it first appears.

### AMENDMENT NO. 6.

Amend Senate Bill No. 96 in House, section 114, line 21, by inserting before the word “schools” the word “public.”

## AMENDMENT NO. 7.

Amend Senate Bill No. 96 in House, section 115, line 25, by inserting the word "public" before the word "school."

## AMENDMENT NO. 8.

Amend Senate Bill No. 96 in House, section 144, line 3, by inserting after the words "county or circuit court of the county" a comma and the words "to inquire into the case of any child of compulsory school age who is."

## AMENDMENT NO. 9.

Amend Senate Bill No. 96 in House, section 262, line 2, by inserting the word "colored" before the word "child."

## AMENDMENT NO. 10.

Amend Senate Bill No. 96, by striking out after the word "districts" in line 1, section 48, of the printed bill, the following words: "having a population of one thousand inhabitants or more."

## AMENDMENT NO. 11.

Amend Senate Bill No. 96 in the House by striking out in lines eight (8) and nine (9) of page 82 of the printed bill the words and figures "two and one-half," and "two and one-half" and inserting in lieu thereof the words and figures "one and one-half" and "one and one-half."



## AMENDMENT NO. 12.

Amend Senate Bill No. 96 by adding after the word "districts" in line 6, section 88, of the printed bill, the following: "When part of a township has been included in a high school district pursuant to any of the provisions of this Act, the remainder of such township not included in any high school district, shall constitute a township for high school purposes."



**AMENDMENTS TO**

**46th Assem.      Senate Bill No. 96 in House      May 1909**

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Adopted May 25, 1909.

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**AMENDMENT NO. 13.**

Amend Senate Bill No. 96 in the House by striking out all of section 89, of page 39, of the printed bill, and inserting in lieu thereof the following:

Sec. 89. Any school district having a population of two thousand (2,000) inhabitants or more may, in the manner herein provided for establishing and maintaining a township high school, establish and maintain a high school for the benefit of the inhabitants of such school district, and elect a board of education therefor with the same powers conferred on township high school boards of education. The territory of such district when so organized for high school purposes shall constitute a high school district for high school purposes distinct and separate from the common school district having the same boundaries, and the high school board of education of such high school district shall have the same power to levy taxes and establish and maintain high schools as township high school boards of education organized under this Act possess, and such taxes shall be in addition to the taxes authorized to be levied by section 189 of this Act. All school districts which have heretofore organized under this section, elected a high school board of education, and are maintaining a high school, shall be regarded as high school districts distinct and separate from the common school district having the same boundaries shall have the same power of taxation as township high school boards of education organized under this Act.

A township or part of a township in which there is no township high school may be annexed to an adjacent high school district organized under this section in the same manner as near as may be as is provided in sections 94, 95 and 96 of this Act for the annexation of territory to a township in which a high school has been established.

AMENDMENT. NO. 14.

Amend Senate Bill No. 96 by striking out the words "in municipalities having less than 100,000 inhabitants" in lines 10 and 11 of section 189 and inserting in lieu thereof the words "provided, that."



1 Reported from Senate, May 6, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and all acts amendatory thereto and by adding thereto article XIII.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the Act entitled "An Act to provide for the in-  
3 corporation of cities and villages," approved April 10, 1872, and all Acts  
4 amendatory thereof be, and the same hereby is amended by adding thereto an  
5 article to be known as Article XIII, in the words and figures following:

### ARTICLE XIII.

#### ORGANIZATION.

6 That all cities and villages in the State of Illinois not exceeding 200,000  
7 population which are now or may hereafter become incorporated under an Act

8 entitled "An Act to provide for the incorporation of cities and villages," ap-  
 9 proved April 10, 1872, and in force July 1, 1872, and all Acts amendatory  
 10 thereof shall, in addition to all rights, powers and authority in them vested,  
 11 under and by virtue of said Acts, have and they are hereby vested with the  
 12 further and additional rights, powers and authority contained in this Act,  
 13 which for convenience is hereinafter designated "The Commission Form of Mu-  
 14 nicipal Government," by proceeding as hereinafter provided.

Sec. 2. Whenever electors of any city or village equal in number to one-  
 2 tenth of the votes cast for all candidates for mayor or president of the board  
 3 of trustees at the last preceding city or village election of any such city or  
 4 village voting for such officer, shall petition the judge of the county court of the  
 5 county in which said city or village, or the greater part thereof, is located to  
 6 submit to a vote of the electors of such city or village the proposition as to  
 7 whether such city or village shall adopt and become entitled to the provisions  
 8 of this Act, it shall be the duty of such judge of the county court to submit such  
 9 proposition accordingly to a special city or village election to be called by such  
 10 judge within sixty days: *Provided*, if a general city or village election is held  
 11 within such sixty days, such proposition shall be submitted thereat. An order  
 12 shall be entered or recorded in the county court of such county submitting such  
 13 proposition as aforesaid.

Sec. 3. Said petition provided for in section 2 shall be substantially in the  
 2 following form:

3 "To the Honorable (name of Judge), Judge of the County Court of the  
 4 County of (name of county):

5 We, the undersigned qualified electors of the city or village of (name of  
 6 city or village), respectfully petition your honor to submit to a vote of the elec-  
 7 tors of said city or village, at an election, the following proposition:

8 Shall the city (or village) of.....adopt the Commission Form of  
9 Municipal Government?

| Name | Adress with Street and Number |
|------|-------------------------------|
|      |                               |
|      |                               |

10 State of Illinois, }  
11 County of..... } ss.

12 I, ....., do hereby certify and make oath (or affirm) that I am up-  
13 wards of the age of twenty-one years, that I reside at Number.....Street  
14 in the City (or village) of..... of the County of.....and  
15 State of Illinois, and that the signatures on this sheet were signed in my pres-  
16 ence and are genuine, and that to the best of my knowledge and belief the per-  
17 sons so signing were at the time of signing said petition qualified voters of said  
18 city (or village) and that their respective residences are correctly stated as  
19 above set forth.

20 .....

21 Subscribed and sworn to before me this....day of.....A. D. 19...  
22 .....

23 (Seal, if officer has one.) (Official character.)

24 Such petitions shall consist of sheets of uniform size, and the heading of  
25 each sheet shall be the same.

26 Such petitions shall be signed by qualified electors of such city or village  
27 in their own proper persons only, and opposite the signature of each signer, his  
28 residence address shall be written (and if a resident of a city or village having  
29 a population of over 10,000, by the last preceeding federal or State census, the  
30 street and number of such residence shall be given).

31 At the bottom of each sheet of such petition shall be added a statement,  
32 signed by an adult resident of the city or village, stating his residence, (and  
33 if a resident of a city or village having a population as aforesaid, also stating

34 the street and number of such residence). certifying that the signatures on that  
 35 sheet of said petition were signed in his presence and are genuine, and that to  
 36 the best of his knowledge and belief the persons so signing were, at the time  
 37 of signing, qualified voters of said city or village. Such statement shall be  
 38 sworn to before some officer of the county in which such city or village is lo-  
 39 cated, authorized to administer oaths therein.

40 Such sheets, before being filed, shall be neatly fastened together, by plac-  
 41 ing the sheets in a pile and fastening them together at the upper edge in a se-  
 42 cure and suitable manner, and the sheets shall then be numbered consecutively.

Sec. 4. The judge of such county court shall give at least ten days' notice  
 2 of the election at which such proposition is to be submitted by publishing such  
 3 notice in one or more daily newspapers published within such city or village  
 4 for at least five times, the first publication to be at least ten days before the  
 5 day of election; and if no daily newspaper is published in such city or village,  
 6 then by posting at least five copies of such notice in each ward of such city or  
 7 in such village at least ten days before such election. Such election shall be  
 8 held under the election law in force in such city or village, except as herein  
 9 otherwise provided.

10 The proposition so to be voted upon shall appear in plain, prominent type,  
 11 on a separate and distinct ballot, and the names of no candidates for any  
 12 office or offices, nor any other proposition shall appear thereon, and such bal-  
 13 lot and the manner of voting the same shall comply as near as may be with  
 14 section 16 of an Act entitled "An Act to provide for the printing and distri-  
 15 bution of ballots at public expense and for the nomination of candidates for pub-  
 16 lic offices, to regulate the manner of holding elections, and to enforce the secrecy  
 17 of the ballot. Approved June 22, 1891; in force July 1, 1891, and all amend-  
 18 ments thereto."



19 If a majority of the votes cast upon such proposition shall be in favor of  
20 and for the adoption of such proposition, the provisions of this Act shall there-  
21 by be adopted by such city or village and the mayor or president of the board  
22 of trustees shall thereupon immediately issue a proclamation declaring this Act  
23 in force in said city or village, and thenceforth this Act shall be in full force  
24 and effect therein.

Sec. 5. A certified copy of the canvass of the votes of the election on such  
2 proposition, made by the proper officers, shall be transmitted to the city or vil-  
3 lage clerk of such city or village and to the clerk of the county court, and by  
4 each transcribed upon the records of their respective offices in full.

Sec. 6. Immediately after such proposition is adopted, the mayor or presi-  
2 dent of board of trustees shall transmit to the Secretary of State, to the clerk  
3 of the county court, and county recorder, each a certificate stating that such  
4 proposition was adopted, who shall duly file the same in their respective offices  
5 and transcribe the same upon the records thereof.

Sec. 7. The failure of the mayor or president of the board of trustees, or  
2 any of said officials, to perform the duties and acts imposed upon them by sec-  
3 tions 4, 5 and 6, shall not invalidate nor prevent the adoption of this Act.

Sec. 8. All courts in this State shall take judicial notice of the adoption  
2 of this Act by such cities or villages as adopt the same.

#### ELECTION OF OFFICERS.

Sec. 9. On the third Tuesday in April next after the adoption of such prop-  
2 osition and biennially thereafter, there shall be held a general municipal elec-  
3 tion at which there shall be elected a mayor and four commissioners from the

4 city or village without regard to wards. All divisions into wards of such mu-  
5 nicipalities as adopt this Act shall be discontinued and said officers shall be  
6 nominated and elected at large: *Provided*, that in cities which include wholly  
7 within their corporate limits a town or towns, such elections shall be held on the  
8 first Tuesday in April: *Provided, however*, that all regular elected officers  
9 holding office, or who had been elected at the time this Act shall be adopted,  
10 shall hold office until the expiration of their respective terms.

Sec. 10. The mayor and commissioners elected under section 9 of this Act  
2 shall be known as the council and shall hold their respective offices until the  
3 next succeeding general election for such officers, respectively, and until their  
4 successors are elected and qualified as provided in this Act.

Sec. 11. The mayor and commissioners shall hold their respective offices for  
2 the term of two years, or until their successors are elected and qualified. If  
3 any vacancy occurs in any such office the remaining members of said council  
4 shall, within thirty days after such vacancy occurs, appoint a person to fill such  
5 vacancy during the balance of the unexpired term.

Sec. 12. All candidates to be voted for at all general municipal elections at  
2 which a mayor and four commissioners are to be elected under the provisions  
3 of this Act shall be nominated by a primary election from the city or village  
4 at large, and no other names shall be placed upon the general ballot at the  
5 general municipal election except those selected in the manner hereinafter pre-  
6 scribed. The primary election for such nomination shall be held on the last  
7 Tuesday in February immediately preceding the general municipal election, in  
8 all cities or villages in which the general municipal election under this Act is  
9 held on the first Tuesday in April, and on the second Tuesday in March imme-  
10 diately preceding the general municipal election in all cities or villages in

11 which the general municipal election under this Act is held on the third Tuesday  
 12 of April.

Sec. 13. The judges and clerks of election appointed in accordance with  
 2 the election law in force in such city or village, shall be the judges and clerks  
 3 of the primary election, and it shall be held at the same place, and the polls  
 4 shall be opened and closed at the same hours, and such election shall be con-  
 5 ducted the same as a general municipal election is conducted under the election  
 6 law in force in said city or village, except as herein otherwise provided.

7 All election laws in force in said city or village shall apply to and govern  
 8 a primary election held under this Act, except as herein otherwise provided.

Sec. 14. Any person desiring to become a candidate for mayor or commis-  
 2 sioner shall, not less than fifteen days nor more than thirty days prior to such  
 3 primary election, file with the city or village clerk, or, in those cities having  
 4 a board of election commissioners, with the clerk of such board, a statement of  
 5 such candidacy in substantially the following form:

6 State of Illinois,                    }  
 7 County of..... } ss.

8 I, ....., being first duly sworn, say that I reside at (here give  
 9 number and street) .....Street, in the City (or village) of  
 10 (here name of city or village)....., County of (here name  
 11 county)....., State of Illinois; that I am a qualified voter there-  
 12 in; that I am a candidate for nomination to the office of (mayor or commis-  
 13 sioner) to be voted upon at the primary election to be held on the....Tuesday  
 14 of.....A. D. 19....; that I am legally qualified to hold such office;  
 15 and I hereby request that my name be printed upon the official primary ballot  
 16 for nomination by such primary election for such office.

17 (Signed) .....

18 Subscribed and sworn to (or affirmed) before me by..... on  
 19 this....day of.....A. D. 19....

20 (Signed) .....

21 (Official character.)  
 22 (Seal, if officer has one.)



23 and shall at the same time file therewith the petition of at least twenty-five  
24 qualified voters requesting such candidacy.

25 Such petition shall substantially be in the following form:

26 We, the undersigned, duly qualified electors of the city (or village) of (city  
27 or village)....., and residing at the places set opposite our respec-  
28 tive names hereto, do hereby petition that the name of (name of candidate)  
29 .....be placed upon the ballot as candidate for nomination for  
30 the office of (here name office).....at the primary election to  
31 be held in such city or village on the.....Tuesday of.....  
32 A. D. 19.... We further state that we know him to be a qualified elector of  
33 said city or village and legally qualified to hold such office.

| Names of Qualified Electors | Number | Streets |
|-----------------------------|--------|---------|
|                             |        |         |
|                             |        |         |

34 I, ....., do hereby certify and make oath (or affirm) that  
35 I am upwards of the age of twenty-one years, that I reside at Number (give  
36 number and street, if any).....Street, in the city (or village)  
37 of..... of the County of..... and State of  
38 Illinois; that the signatures on this sheet were signed in my presence, and are  
39 genuine, and that to the best of my knowledge and belief the persons so sign-  
40 ing were, at the time of signing said petitions, qualified electors and that their  
41 respective residences are correctly stated as above set forth.

42 (Signed) .....

43 Subscribed and sworn to (or affirmed) before me this....day of.....  
44 A. D.

45 .....

46 Official character.

47 (Seal, if officer has one.)

48 Such petitions shall consist of sheets of uniform size, and the heading of  
49 each sheet shall be the same. Such petitions shall be signed by qualified electors  
50 in their own proper persons only, and opposite the signature of each signer,



his residence address shall be written (and if a resident of a city or village having a population of over 10,000 by the last preceding federal or State census the street and number of such residence shall be given). At the bottom of each sheet shall be added a statement signed by an adult resident of the city or village, stating his residence address (and if a resident of a city or village having a population of over 10,000 by the then last preceding federal or State census the street and number of such residence shall be given), certifying on oath or affirmation that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were, at the time of signing said petition, qualified electors of said city or village. Said statement and also the statement of the candidate hereinbefore referred to, shall be sworn to or affirmed before some officer of the county in which the person making the statement resides, authorized to administer oaths therein.

Such sheets, before being filed, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at the upper edge, in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be revoked except by revocation filed in writing with the clerk or other proper officer with whom the petition is required to be filed, and before the filing of such petition.

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the said city or village clerk or Board of Election Commissioners, as the case may be, shall cause to be published for three successive days in all the daily papers published in said city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspaper, then in two issues of any other newspapers published in said

79 city or village, and if there be no newspaper published in said city or village then  
 80 in the nearest newspaper published in the county in which such city or village is  
 81 located, or if there be no newspaper published in said county, then in the nearest  
 82 newspaper published in the State: and the clerk shall thereupon cause the pri-  
 83 mary ballots to be printed in the same manner and in the same number and with-  
 84 in the same time as ballots are printed under the election law in force in such  
 85 city or village for general municipal elections, except as herein otherwise pro-  
 86 vided. Said ballots shall be authenticated with the fac-simile of the clerk's  
 87 signature on the back thereof. Upon said ballots the names of the candidates  
 88 for mayor, arranged alphabetically, shall first be placed, with a square at the  
 89 left of each name, and immediately above the names and immediately following  
 90 the name of the office, the words "Vote for one." Following these names like-  
 91 wise arranged in alphabetical order, shall appear the names of the candidates  
 92 for commissioners with a square at the left of each name and immediately  
 93 above the names of such candidates, and immediately following the name of the  
 94 office, shall appear the words "Vote for four." The ballots shall be printed  
 95 upon plain, substantial white paper, and shall comply with the election laws in  
 96 force in such city or village, except as herein otherwise provided, and shall  
 97 be headed: .

98 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-  
 99 SIONERS OF THE CITY (OR VILLAGE) OF..... AT  
 100 THE PRIMARY ELECTION. but shall have no party, platform or principle  
 101 designation or appellation or mark whatever, nor shall any circle be printed at  
 102 the head of the ballot. The ballots shall be in substantially the following  
 103 form:

OFFICIAL PRIMARY BALLOT

104

105 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-  
 106 SIONERS OF THE CITY (OR VILLAGE) OF.....AT THE  
 107 PRIMARY ELECTION.

FOR MAYOR  
 (Vote for one)

- ☐ JOHN JONES
- ☐ JAMES SMITH
- ☐ HENRY WHITE
- ☐ RALPH WILSON

FOR COMMISSIONERS  
 (Vote for four)

- ☐ WILLIAM BURKE
- ☐ GEORGE MILLER
- ☐ THOMAS WILLIAMS
- ☐ EDWARD STUART
- ☐ ROBERT BUCK
- ☐ HARRY BROWN
- ☐ JOSEPH TROUT
- ☐ ARTHUR ROBBINS

108 Such ballots shall be authenticated and attested on the back thereof in the  
 109 same manner and form as provided by the election law in force in said city or  
 110 village.

111 The law governing such primary election shall be the election law in force  
 112 in such city or village, for the general municipal elections except as herein  
 113 otherwise provided.

Sec. 15. The persons who are qualified to vote at a general municipal elec-  
 2 tion shall be qualified to vote at such primary election; and in all cases where  
 3 registration is required as a condition precedent to voting at regular elections,  
 4 only registered voters shall be entitled to vote at such primary: *Provided,*  
 5 *however,* that at such primary, any legal voter of a precinct who has not regis-  
 6 tered, shall be entitled to vote in case he shall file with the primary judges  
 7 an affidavit, stating the time when he removed into such precinct, and the  
 8 length of his legal residence in such precinct, county and State, and that he  
 9 has removed into that precinct since the last registration of electors at the last  
 10 election and that he is a legal voter of such precinct, supported by an affidavit  
 11 of a registered voter and householder of such precinct, that he knows such  
 12 voter and that his statements as to the time of his residence, as aforesaid, are  
 13 correct, and that such person is a legal voter in such precinct. So far as reg-  
 14 istration of voters or revision of registry is concerned all primary elections  
 15 held under this Act shall be considered special elections.

Sec. 16. The two candidates receiving the highest number of votes for  
 2 mayor shall be the candidates and the only candidates whose names shall be  
 3 placed upon the ballot for mayor at the next succeeding general municipal  
 4 election, and the eight candidates receiving the highest number of votes for  
 5 commissioners, or all such candidates if less than eight, shall be the candidates  
 6 and the only candidates whose names shall be placed upon the ballot for com-  
 7 missioners at such municipal election: *Provided,* that nothing contained in this  
 8 Act shall be construed as preventing an elector, either at the primary election  
 9 or general municipal election, held under this Act, from writing in the name of



10 the candidate or candidates of his choice in a blank space on said ticket, and  
11 making a cross opposite thereto in accordance with the election law in force in  
12 said city or village.

Sec. 17. If, upon the canvass of the returns of said primary election, by  
2 the canvassing board, it shall appear that more than the number of persons to  
3 be nominated for the office of mayor or of commissioners have the highest and  
4 an equal number of votes for the nomination for the same office, the said can-  
5 vassing board shall decide by lot, which of such persons shall be nominated.  
6 In such case such canvassing board shall issue notice in writing to such per-  
7 son or persons of such vote, stating therein the place, the day (which shall not  
8 be more than five (5) days thereafter) and the hour when such nomination  
9 shall be so determined.

Sec. 18. Any candidate whose name appears upon the primary ballot at  
2 any primary held under this Act may contest the election of the candidates  
3 nominated upon the face of the returns, which contest and the mode of pro-  
4 cedure therein shall be governed as near as may be by section 63 of an Act en-  
5 titled "An Act to provide for the holding of primary elections by political  
6 parties. Approved February 21, 1908; in force July 1, 1908."

7 If any candidate nominated at such primary should die or withdraw be-  
8 fore the general municipal election, the vacancy caused thereby shall be filled  
9 by the placing of the name of the candidate (if for the office of mayor) receiv-  
10 ing the third highest number of votes, and, if for the office of commissioner,  
11 the candidate receiving the ninth highest number of votes at such primary, and  
12 so on in case of the death or withdrawal of more than one candidate.

13 All general municipal elections in said city or village shall be held, con-  
14 ducted and contested under the election law in force in such city or village,  
15 except as herein otherwise provided.

Sec. 19. Upon the ballots for the general municipal election the names of the candidates for mayor nominated at such primary election, arranged alphabetically, shall first be placed with a square to the left of each name, and immediately above the names, and following the name of the office, the words "Vote for one" shall be placed.

Following such names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners, nominated at such primary election, with a square to the left of each name, and above the names of such candidates and immediately following the name of the office, shall appear the words "Vote for four."

The said ballots shall be printed upon plain, substantial white paper, and shall comply with the election laws in force in such city or village, except as herein otherwise provided, and shall be headed

CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMISSIONERS OF THE CITY (OR VILLAGE) OF.....AT THE GENERAL MUNICIPAL ELECTION, but such ballots shall have no party, platform or principle designation or appellation or marks whatever, nor shall any circle be printed thereon at the head of the ballot. The ballots shall be in substantially the following form:

#### OFFICIAL BALLOT.

CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMISSIONERS OF THE CITY (OR VILLAGE) OF.....AT THE GENERAL MUNICIPAL ELECTION.

FOR MAYOR  
(Vote for one)

- ☐ JOHN JONES  
☐ JAMES SMITH

FOR COMMISSIONERS  
(Vote for four)

- ☐ WILLIAM BURKE  
☐ GEORGE MILLER  
☐ THOMAS WILLIAMS  
☐ EDWARD STUART  
☐ ROBERT BUCK  
☐ HARRY BROWN  
☐ JOSEPH TROUT  
☐ ARTHUR ROBBINS

Such ballots shall be authenticated and attested on the back thereof in the same manner and form as provided by the election law in force in such city or village.

Sample ballots shall also be printed and supplied in accordance with the election law in force in such city or village.

PENALTIES FOR ELECTION FRAUDS.

Sec. 20. Any person who shall agree to perform any service in the interest of any candidate for any nomination or election for any office provided in this Act, in consideration of any money or other valuable thing, or for the "treats,"

4 or for any appointment to any office or employment under such city or village.  
5 for such service performed in the interest of any such candidate or any candi-  
6 date who shall make a promise of money or other valuable thing, or to appoint  
7 any person to an office in the event of the nomination or election of such candi-  
8 date, in consideration of such person performing any service in the interest of  
9 said candidate, upon conviction thereof shall be punished by a fine not exceed-  
10 ing three hundred dollars (\$300) or be imprisoned in the county jail not ex-  
11 ceeding thirty (30) days, or both, in the discretion of the court.

Sec. 21. Any person offering to give a bribe, either in money or other con-  
2 sideration, or in the form of treating, or by agreement to appoint to any office  
3 or employment under such city or village to any elector for the purpose of  
4 influencing his vote at any election provided for in this Act or any elector en-  
5 titled to vote at any such election requesting, receiving, or accepting such bribe,  
6 money, other consideration or treats or agreeing to vote or support any candi-  
7 date in consideration that he be appointed to an office or employment under  
8 such city, shall be deemed guilty of a misdemeanor and upon conviction shall  
9 be fined a sum not less than one hundred dollars (\$100) nor more than five  
10 hundred dollars (\$500) or be imprisoned in the county jail not less than ten  
11 nor more than ninety days, or both, in the discretion of the court.

### POWERS OF THE COUNCIL.

Sec. 22. Every such city or village shall be governed by a council consist-  
2 ing of the mayor and four commissioners, as provided in this Act, each of  
3 whom shall have the right to vote on all questions coming before the council.  
4 Three members of the council shall constitute a quorum, and the affirmative  
5 vote of three members shall be necessary to adopt any motion, resolution or  
6 ordinance, or pass any measure, unless a greater number is provided for by  
7 this Act. Upon every vote the "yeas" and "nays" shall be called and recorded,  
8 and every motion, resolution or ordinance shall be reduced to writing and read



9 before a vote is taken thereon, and all the commissioners, including the mayor.  
10 present at any meeting shall vote thereon.

11 The mayor shall preside at all meetings of the council; he shall have no  
12 power to veto any measure, motion, resolution or ordinance, but every resolu-  
13 tion, ordinance and measure passed by the council must be signed by the mayor,  
14 or by two commissioners and be recorded before the same shall be in force.

Sec. 23. The council shall have and possess and the council and its mem-  
2 bers shall exercise all executive and legislative powers and duties now had,  
3 possessed and exercised by the mayor, city council, president and board of trus-  
4 tees of villages, board of library trustees, city clerk, city attorney, city engi-  
5 neer, city treasurer, city comptroller, and all other executive, legislative and  
6 administrative officers in cities or villages now or hereinafter organized and in-  
7 corporated under the general incorporation law of the State of Illinois for the  
8 incorporation of cities and villages, except that in each city or village organ-  
9 ized under and adopting the provisions of this Act the board of local improve-  
10 ments, provided for, in and by an Act entitled "An Act concerning local im-  
11 provements," (approved June 14, 1897; in force July 1, 1897), and all Acts  
12 amendatory thereto, shall be and remain a separate and distinct body with all  
13 the rights, powers, duties and authority in said Act contained, and except also,  
14 that nothing herein contained shall apply or extend or pertain to or in any way  
15 affect the park and driveway officers now or hereafter elected under the par-  
16 ticular laws pertaining thereto, and except also that nothing contained in this  
17 Act shall in any way extend or pertain to or affect any public school law in  
18 operation in any municipality which may adopt this Act, anything in this pres-  
19 ent Act contained to the contrary notwithstanding.

20 The executive and administrative powers, authority and duties in such  
21 cities and villages shall be distributed into and among five departments as  
22 follows:

- 23 1. Department of public affairs.
- 24 2. Department of accounts and finances.
- 25 3. Department of public health and safety.
- 26 4. Department of streets and public improvements.
- 27 5. Department of public property.

28 The council shall, by ordinance, determine the powers and duties of, and to  
29 be performed by, each department and assign them to the appropriate depart-  
30 ments; shall prescribe the powers and duties of officers and employes and may  
31 assign employes to one or more of the departments; may require an officer or  
32 employe to perform duties in two or more departments and may make such  
33 other rules and regulations as may be necessary or proper for the efficient and  
34 economical conduct of the business of the city or village.

Sec. 24. The mayor shall be commissioner of public affairs and as such  
2 be superintendent of that department, and the council shall, at the first regular  
3 meeting after election of its members, designate, by a majority vote, one com-  
4 missioner to be commissioner of accounts and finances, who shall be superin-  
5 tendent of that department; one to be commissioner of public health and safety,  
6 who shall be superintendent of that department; one to be commissioner of  
7 streets and public improvements, who shall be superintendent of that department,  
8 and who *ex officio* shall be commissioner of public works; and one to be com-  
9 missioner of public property, and as such to be superintendent of that depart-  
10 ment; but such designation may be changed by the council whenever it appears  
11 that the public service would be benefited thereby. The council, by a majority  
12 vote, may, in their discretion, at such first meeting or as soon as practicable  
13 thereafter, elect, by a majority vote, the following officers: City clerk, corpora-  
14 tion counsel, city attorney, assistant city attorney, treasurer, comptroller, city  
15 physician, chief of police, chief of fire department, harbor master, market mas-  
16 ter, three library trustees and the necessary officers to fill the offices, provided  
17 for by the Local Improvement Act, known as "An Act concerning local improve-

ments," approved June 14, 1897, in force July 1, 1897: *Provided*, that the commissioner of streets and public improvements under this Act shall be *ex officio* the commissioner of public works and a member of the board of local improvements as and when provided for by said Act concerning local improvements.

Any officer or assistant or employe elected or appointed by the council may be removed from office at any time by a vote of a majority of the members of the council, except as otherwise provided in this Act.

Sec. 25. The council shall have the power, by ordinance, from time to time, to create, fill and discontinue offices and employment other than herein prescribed, according to their judgment of the needs of the city or village; and may, by majority vote of all the members, remove any such officer or employe, appointed by them, except as otherwise provided for in this Act; and may, by resolution or otherwise, prescribe, limit or change the compensation of all appointive officers or employes.

### CIVIL SERVICE.

Sec. 26. In all cities or villages which have heretofore or shall hereafter adopt an Act entitled "An Act to regulate the civil service of cities, approved and in force March 20, 1895," the council shall not have the right, power or authority to appoint or discharge any officer, assistant or employe, except in accordance with such Act: *Provided, however*, the council shall have the power to remove officers who are elected by the council pursuant to law, judges and clerks of election, heads of any principal department of the city subordinate to any of the departments provided for in sections 23 and 24 of this Act.

Nothing herein contained shall be construed to prevent any city adopting this Act from adopting "An Act to regulate the civil service of cities," approved and in force March 20, 1895, and all amendatory Acts thereto, but such city may adopt such Act in the manner in that Act provided.



Sec. 27. The council shall have the right, power and authority to appoint  
 2 the heads of all principal departments, subordinate to the departments pro-  
 3 vided for in sections 23 and 24 of this Act.

Sec. 28. In all cities or villages which have heretofore or shall hereafter  
 2 adopt an Act entitled "An Act to regulate the civil service of cities, approved  
 3 and in force March 20, 1895," all officers, assistants and employes of such city,  
 4 except those mentioned in sections 24 and 25 and within the exception of sec-  
 5 tion 26 of this Act, shall be appointed by the commissioner of each department  
 6 mentioned in section 23 in accordance with such Act entitled "An Act to regu-  
 7 late the civil service of cities, approved and in force March 20, 1895;" and in  
 8 all cities or villages which have not heretofore or shall not hereafter adopt such  
 9 civil service Act, all such officers, assistants and employes shall be appointed by  
 10 the commissioner of each department specified in section 23, and may be dis-  
 11 charged by him when, in his judgment, the efficient conduct of the city's affairs  
 12 shall demand it.

Sec. 29. Any officer, assistant or employe who shall have been elected or  
 2 appointed by the council in accordance with the provisions of this Act may be  
 3 removed from office at any time by a vote of a majority of the members of such  
 4 council, except as otherwise provided for in this Act or by law.

### SALARIES.

Sec. 30. The mayor and each of the commissioners shall have an office  
 2 at the municipal building or rooms and shall devote such time to the duties of  
 3 their respective offices as a faithful discharge thereof may require: *Provided*,  
 4 that in cities of 20,000 population and over the mayor and the commissioners  
 5 shall devote at least six hours daily to the performance of their official duties;  
 6 and their total and only compensation for the performance of their several and



7 respective duties shall be annual salaries which shall be fixed by the board and  
8 which shall not exceed as follows, to-wit:

9 Where the population is not over 2,000 the annual salary of the mayor  
10 shall be \$50.00, and of each commissioner, \$40.00;

11 Where the population is over 2,000 and not over 5,000 the salary of the  
12 mayor shall be \$250.00, and of each commissioner, \$100.00;

13 Where the population is over 5,000 and not over 10,000 the salary of the  
14 mayor shall be \$600.00, and of each commissioner, \$400.00;

15 Where the population is over 10,000 and not over 20,000 the salary of the  
16 mayor shall be \$900.00, and of each commissioner, \$600.00;

17 Where the population is over 20,000 and not over 40,000 the salary of the  
18 mayor shall be \$3,500.00, and of each commissioner, \$1,800.00;

19 Where the population is over 40,000 and not over 60,000 the salary of the  
20 mayor shall be \$5,000.00, and of each commissioner, \$3,000.00;

21 Where the population is over 60,000 and not over 80,000 the salary of the  
22 mayor shall be \$6,000.00, and of each commissioner, \$4,000.00;

23 Where the population is over 80,000 and not over 100,000 the salary of the  
24 mayor shall be \$7,000.00, and of each commissioner, \$4,000.00;

25 Where the population is over 100,000 and not over 200,000 the salary of the  
26 mayor shall be \$8,000.00, and of each commissioner, \$4,500.00.

27 All such annual salaries shall be payable in equal monthly installments,  
28 and, where the number of inhabitants is referred to in this section, it shall  
29 mean the number of such inhabitants according to the last preceding State or  
30 federal census.

Sec. 31. All other officers, assistants or employes of such city or village  
2 shall receive such salary or compensation as the council thereof shall by ordi-  
3 nance provide, payable monthly or at such shorter periods as the council may

4 determine, but no change shall be made in said salaries during the six months  
5 period preceding any regular biennial election.

### MEETINGS AND ORDINANCES.

Sec. 32. Regular meetings of the council shall be held on the first Monday  
2 after the mayor and commissioners shall have entered upon the performance  
3 of their respective official duties, and thereafter at least once each week. The  
4 council shall provide by ordinance for the holding regular meetings, and special  
5 meetings may be called from time to time by the mayor or two commissioners  
6 upon giving not less than twenty-four hours' notice to all members of the coun-  
7 cil: *Provided, however,* that if all members of the council are present at such  
8 special meeting no notice of such meeting shall be necessary. All meetings of the  
9 council, whether regular or special, shall be open to the public.

10 The mayor shall be president of the council and preside at its meetings.  
11 and shall supervise all departments and report to the council for its action all  
12 matters requiring attention in any department. The commissioner of accounts  
13 and finance shall be vice president of the council, and, in case of vacancy in  
14 the office of mayor or the absence or inability of the mayor, shall perform the  
15 duties of mayor.

Sec. 33. Every ordinance or resolution, appropriating any money or  
2 ordering any street improvement or sewer, or making or authorizing the mak-  
3 ing of any contract or granting any franchise, right or license to occupy or use  
4 the streets, alleys, highways, bridges, viaducts, public property or public places  
5 in the city or village for any purpose, shall remain on file with the city or vil-  
6 lage clerk for public inspection, complete in the form in which it is finally  
7 passed, at least one week before the final passage or adoption thereof.

Sec. 34. Every grant of any franchise, right or license to occupy or use

2 the streets, alleys, highways, bridges, subways, viaducts, public property or  
 3 public places for aerial-way, interurban, suburban, subway, elevated or street  
 4 railways, gas, water works, electric light, power plants, heating plants, tele-  
 5 graphs, telephone systems, or other public service utilities within said city or  
 6 village, must be authorized or approved by a majority of the electors voting  
 7 thereon at a general or special election as provided herein, except as otherwise  
 8 provided in section four of this Act.

Sec. 35. Upon the passage of any ordinance or ordinances by the council

2 granting any franchise, right or license specified in section 34 of this Act, the  
 3 same shall forthwith be submitted to a vote of the electors of said city or vil-  
 4 lage at a special election called by such council for such purpose, and notice of  
 5 which shall be given in the same manner and form and within the same time  
 6 by the same persons as notices of special elections within said city or village  
 7 are required to be given under the election law in force in such municipality,  
 8 except as otherwise provided in this Act.

9 The ballots used when voting upon said ordinance or ordinances shall contain

10 these words: "Shall the city or village of (name of city or village) .....  
 11 adopt the ordinance (stating the nature of the proposed ordinance)?"

12 The proposition or propositions to be voted upon shall appear in plain,

13 prominent type, and on a separate and distinct ballot, and the names of no  
 14 candidates for any office or offices, nor any other proposition or propositions  
 15 except those authorized under this Act, shall appear thereon, and such ballot  
 16 and the manner of voting the same shall substantially comply with section 16,  
 17 and all amendments thereto, of an Act entitled, "An Act to provide for the print-  
 18 ing and distribution of ballots at public expense, and for the nomination of candi-  
 19 dates for public offices, to regulate the manner of holding elections and to en-  
 20 force the secrecy of the ballot, approved June 22, 1891, in force July 1, 1891."

21       *Provided*, that two or more such ordinances specified in section 34 may be  
 22 submitted at the same time and upon the same ballot: *Provided, further*, that  
 23 any one or more proposed ordinances, as hereinafter provided for in sections  
 24 47 and 48, may be submitted at such election upon the same ballot, if all the  
 25 other requirements of this Act relative to such proposed ordinance or ordi-  
 26 nances shall have been complied with.

27       The style of all ordinances passed by municipalities adopting this Act shall  
 28 be "Be it ordained by the council of the city (or village) of....."

      Sec. 36. No special election shall be called for the approval or rejection  
 2 of any ordinance mentioned in sections 34 and 35, if a general municipal elec-  
 3 tion provided for by law occurs within ninety days after the passage thereof,  
 4 in which case such ordinance or ordinances shall be submitted to a vote of the  
 5 electors of said city or village, at such general municipal election in manner  
 6 and form as provided herein.

7       If a majority of the qualified electors, either at a general or special elec-  
 8 tion, voting on such ordinance or ordinances respectively, shall vote in favor  
 9 thereof, such ordinance or ordinances shall thereupon become a valid and bind-  
 10 ing ordinance of the municipality.

#### OFFICERS NOT TO BE INTERESTED IN CITY CONTRACTS.

      Sec. 37. No mayor, commissioner, officer, assistant or employe elected or  
 2 appointed in any such city or village shall be interested, directly or indirectly,  
 3 in any contract or job for work or materials, or profits thereof, or services  
 4 to be furnished or performed for the city or village, and no mayor, commis-  
 5 sioner, officer, assistant or employe shall be interested, directly or indirectly, in  
 6 any contract or job for work or materials, or the profits thereof, or services  
 7 to be furnished or performed for any person, firm or corporation, operating



8 aerial-way, interurban, suburban, subway, elevated or street railways, gas works,  
9 water works, electric light plants, power plants, heating plants, telegraph or  
10 telephone lines, systems or exchange, or other public utility wholly or partly  
11 within the territorial limits of said city or village. No mayor, commissioner,  
12 officer, assistant or employe shall request, accept or receive, directly or indi-  
13 rectly, from any person, firm or corporation owning, operating or leasing with-  
14 in or partly within the territorial limits of said city or village any aerial-way,  
15 interurban railway, suburban railway, subway railway, elevated railway or  
16 street railway, gas works, water works, electric light plant, power plant, heating  
17 plant, telegraph lines or system, telephone lines, system or exchange, or other  
18 public service utility operating under any grant or franchise, license or right,  
19 or from any steamboat, ship, tug or ferry line leaving or entering or operating  
20 within said city or village, any employment, for hire or otherwise, or any  
21 frank, free ticket, pass or free service, either for himself, family, relatives or  
22 any other person, or request, accept or receive, directly or indirectly, from any  
23 such person, firm or corporation, any other service upon terms more favorable  
24 than is granted to the public generally.

25 Any violation of this section shall be a misdemeanor and punished by a  
26 fine not less than \$100.00 nor more than \$500.00, and shall be ground for re-  
27 moval from office or employment.

28 Such prohibition of free transportation shall not apply to policemen or  
29 firemen in uniform, nor shall any free service to city or village officials or  
30 employes heretofore provided by any franchise, or license grant, be affected by  
31 this section.

32 Any officer or employe of such city or village who in any manner contrib-  
33 utes money, labor or other valuable thing to any person for election purposes  
34 shall be guilty of a misdemeanor, and upon conviction thereof shall be pun-  
35 ished by a fine not exceeding \$300.00 or by imprisonment in the county jail not  
36 exceeding thirty days, or both, at the discretion of the court.

Sec. 38. All officers, assistants and employes in any such municipality shall  
2 be elected or appointed in accordance with this Act with reference to their quali-  
3 fications and fitness and for the good of the public service, and without ref-  
4 erence to their political or religious faith or party affiliations.

5 Any candidate for any office authorized to be voted for under this Act  
6 who shall, directly or indirectly, enter into any understanding or agreement to  
7 do or not to do any official act in the event of his election to the benefit or  
8 advantage of any person, firm, corporation or association in consideration for  
9 the influence, support and assistance of said person, firm, corporation or associa-  
10 tion to bring about the election of such candidate, shall be deemed to be guilty of  
11 giving, or offering to give, a bribe, and if convicted thereof shall be punished by  
12 a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in  
13 the county jail not exceeding thirty days, or both, in the discretion of the court,  
14 and if elected to office he shall be deemed to have resigned such office by rea-  
15 son of such conviction. Nothing herein contained shall be taken to prevent any  
16 candidate from publicly outlining his position or pledging his support for or  
17 opposition to, any measure or prospective measure of a public nature.

Sec. 39. Every elective officer, elected by the electors of such city or vil-  
2 lage, shall, within thirty days after qualifying, file with the city or village clerk  
3 and publish at least once in a daily newspaper of general circulation, or if  
4 there is no daily newspaper published in such city or village, then in a weekly  
5 newspaper of general circulation published in such city or village, or if there  
6 is no weekly newspaper published in such city or village, then in some news-  
7 paper of general circulation published in the county in which such city or vil-  
8 lage is located, his sworn statement of all his election and campaign expenses  
9 (including primary election), and by whom such funds were contributed.

10 Any violation of the provisions of this section shall constitute a misde-  
11 meanor and be punished by a fine not exceeding \$500.00 or by imprisonment in

12 the county jail not exceeding three months, or by both such fine and imprison-  
13 ment, in the discretion of the court, and shall be a ground for removal from  
14 office.

## FINANCES AND APPROPRIATIONS.

Sec. 40. The council shall each month print in a pamphlet form a detailed  
2 itemized statement of all receipts and expenses of the city or village and a  
3 summary of its proceedings during the preceding month, and furnish printed  
4 copies thereof to the State library, the city library, the daily and weekly news-  
5 papers of general circulation of the city or village, and to persons who shall  
6 apply therefor at the office of the city or village clerk. At the end of each year  
7 in addition to the duties prescribed in section 55 of the Act, the council shall  
8 cause a full and complete examination of all books and accounts of the city or  
9 village to be made by competent accountants, and shall publish the result of such  
10 examination in the manner above provided for publication of statements of  
11 monthly expenditures.

12 It shall be unlawful for the council or any commissioner to directly or in-  
13 directly expend a greater amount for any municipal purpose than the amount  
14 appropriated for such municipal purpose in the annual appropriation ordi-  
15 nance passed for that fiscal year. A violation of this provision by any member  
16 of the council shall, upon conviction thereof, subject the offender to a fine of  
17 not less than \$100.00 and not to exceed \$500.00.

Sec. 41. If, at the beginning of the term of office of the first council  
2 elected in such city or village under the provisions of this Act, the appropria-  
3 tion for the expenditures of the city or village government for the current fiscal  
4 year have been made, said council shall have the power by ordinance to revise,  
5 to repeal or change said appropriations and to make additional appropriations  
6 in the manner and within the time provided by law.



## RECALL OF ELECTIVE OFFICERS.

Sec. 42. Every incumbent of an elective office, whether elected by a popular vote or appointed to fill a vacancy, is subject to recall and removal at any time by the electors qualified to vote for a successor of such incumbent.

The procedure to effect the removal of an incumbent of such office shall be as follows:

(a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be recalled or removed, equal in number to at least forty per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed or recalled, shall be filed with the city or village clerk or clerk of the Board of Election Commissioners, as the case may be, which petition shall contain a general statement, in not more than two hundred words, of the ground for which the removal or recall is sought.

(b) The petition shall be substantially in the following form:

To the clerk of the city (name of city or village) or Board of Election Commissioners of the city or village of..... (as the case may be):

We, the undersigned electors of the city or village of (name of city or village), entitled to vote for a successor to (name of person), an incumbent of the office of (name of office) in said city or village, do hereby demand an election of a successor to said (name of person) for the following reasons, to-wit: (here state reasons in not more than two hundred words.)

| Name. | House Number<br>(if any.) | Street. | Date of Signing. |
|-------|---------------------------|---------|------------------|
|       |                           |         |                  |
|       |                           |         |                  |
|       |                           |         |                  |



23 State of Illinois, }  
 24 County of..... }ss.

25 I, ....., do hereby certify and make oath (or affirm)  
 26 that I am upwards of the age of twenty-one years, that I reside at Number.....  
 27 Street in the city or village of ..... of the County ..... and  
 28 State of Illinois, that the signatures on this sheet were signed in my presence,  
 29 on the dates set opposite their respective names, and that the same are genuine,  
 30 and that to the best of my knowledge and belief the persons so signing were  
 31 at the time of signing qualified electors, entitled to vote for a successor of (here  
 32 insert name of person holding office and also the title of the office) .....  
 33 and that their respective residences are correctly stated as above set forth.

34 .....  
 35 Subscribed and sworn (or affirmed) to before me this ..... day of  
 36 ..... A. D. 19....

37 .....  
 38 (Seal if officer has one.) (Official character.)

39 (c) Such petition shall consist of sheets having such form printed or writ-  
 40 ten at the top thereof and shall be signed by electors qualified to vote for such  
 41 successor, in their own proper persons only, and opposite the signatures of each  
 42 petitioner shall be written by such person his residence address (stating the  
 43 street and number if there be such) and the date of signing the same. No signa-  
 44 tures shall be valid or be counted in considering such petition unless these re-  
 45 quirements are complied with and unless the date of signing is less than four  
 46 months preceding the date of filing such petition.

47 At the bottom of each sheet shall be added a statement, signed by a resi-  
 48 dent of the city or village in which the signers thereof reside, with his residence  
 49 address as aforesaid, stating that the signatures on the sheet were signed in  
 50 his presence, on the dates set opposite the respective names, and that the same  
 51 are genuine and to the best of his knowledge and belief the persons so signing  
 52 were at the time of signing qualified electors, entitled to vote for a successor of  
 53 the incumbent sought to be removed or recalled, and in cities or villages in

54 which voters are or may be required to be registered, that they were at time of  
55 signing said sheet duly registered, and that their respective residences are cor-  
56 rectly stated as set forth on such sheet.

57 Such statement shall be sworn to before an officer residing in the county  
58 in which such city or village is located, who is qualified to administer oaths  
59 therein. Such petition, so verified, or a copy thereof duly certified by the proper  
60 persons, shall be *prima facie* evidence that the signatures, statement of residence,  
61 and dates upon such petition are genuine and true and that the persons signing  
62 the same are electors qualified to vote for a successor of such incumbent and in  
63 cities and villages in which the voters are or may be required to be registered,  
64 that they were at the time of the signing of such petition duly registered voters.

65 (d) Such sheets shall be fastened together in one document filed as a whole  
66 and when filed shall not be withdrawn or added to or altered in any manner by  
67 any person. No signature shall be revoked except by a revocation filed in writ-  
68 ing with the clerk with whom the petition is required to be filed and before the  
69 filing of such petition. Upon request of any person, the clerk shall furnish a  
70 certified copy of such petition and names thereto, upon the payment by such  
71 person to the clerk of a fee of one dollar for each 100 names thereto.

72 (e) Whoever in making the sworn statement above prescribed shall  
73 knowingly, wilfully and corruptly swear falsely shall be deemed guilty of per-  
74 jury and on conviction thereof shall be punished accordingly. Whoever forges  
75 the signature of any person upon any petition or statement, or residence ad-  
76 dress, street or number or date of signing, shall be deemed guilty of forgery and  
77 on conviction thereof, punished accordingly.

78 (f) All objections to such petition shall be filed and determined within  
79 ten days after the filing of the same: *Provided*, no officer sought to be recalled  
80 shall have any voice or vote in determining the sufficiency of such petition. All  
81 objections shall be determined by the council.

(g) The petition being sufficient, the clerk shall immediately after the expiration of such ten days submit the same to the council without delay, and the council shall order and fix the date for holding the said election, which shall not be less than thirty days nor more than forty days after the expiration of such ten days.

(h) Such election shall be considered a special election, so far as registration for voters and revision of registry is concerned, but notices of and arrangements for holding such election shall be the same, and such election shall be conducted, returned and the result thereof declared, in all respects as general municipal elections under this Act: *Provided*, the primary election for nomination of a candidate shall be held two weeks preceding such special election, and only one candidate for each officer sought to be recalled shall be nominated.

Sec. 43. If the officer sought to be recalled or removed, shall resign within five days after the said petition is filed with the clerk, the council shall proceed to appoint his successor, the same as in the case of other vacancies, and no election shall be held: *Provided*, the council shall have no power to appoint the person so resigning: *And, provided, further*, that unless such officer sought to be recalled resigns within said five days said recall election shall proceed.

Sec. 44. The successor of any officer so removed or resigning shall hold office during the unexpired term of his predecessor. Any person sought to be recalled or removed shall be a candidate to succeed himself, unless he shall resign as aforesaid, and his name shall be placed on the official ballot without nomination.

In any such removal or recall election the candidate receiving the highest number of votes shall be declared elected and in the primary election preceding the same the person receiving the highest number of votes shall be declared the nominee to oppose the present incumbent.



10 At such special election if some other person than the incumbent receives  
 11 the highest number of votes, the incumbent shall thereupon be deemed removed  
 12 from office upon the qualification of his successor. In case the party who re-  
 13 ceives the highest number of votes should fail to qualify, within ten days after  
 14 receiving notice of his election, the office shall become vacant, and the council  
 15 shall proceed to fill the same, as in other vacancies: *Provided*, that the incum-  
 16 bent whose successor was elected and failed to qualify shall not be appointed to  
 17 fill such vacancy.

Sec. 45. No recall or removal petition shall be filed against any officer  
 2 until he has actually held office for at least three months.

Sec. 46. No person who has been recalled or removed from an elective  
 2 office, or who has resigned from such office while recall or removal proceedings  
 3 were pending against him, shall be appointed or elected to any office in said  
 4 city, within one year after such recall or resignation.

### INITIATIVE.

Sec. 47. Any proposed ordinance may be submitted to the council by peti-  
 2 tion signed by electors of the city or village, equal in number to the percentage  
 3 hereinafter required. The signatures, verification, authentication, inspection,  
 4 certification and submission of such petition shall be the same as provided for  
 5 petitions under section 42 hereof: *Provided*, such petition shall be filed with  
 6 the city or village clerk.

7 If the petition accompanying the proposed ordinance be signed by electors  
 8 equal in number to forty per centum of the votes cast for all candidates  
 9 for mayor at the last preceding general municipal election, and contains a re-  
 10 quest that the said ordinance be submitted to a vote of the people if not passed  
 11 by the council, such council shall either



12 (a) Pass such ordinance without alteration within thirty days after the  
13 filing of the same with the clerk, or

14 (b) Forthwith after thirty days from the time of filing such petition, shall  
15 have expired, the council shall call a special election, unless a general municipal  
16 election occurs within ninety days thereafter, and at such special or general  
17 election, such ordinance shall be submitted without alteration to the vote of the  
18 electors of said city.

19 But if the petition is signed by not less than ten nor more than twenty-five  
20 per centum of the electors above defined, then the council shall within thirty  
21 days after such petition is filed, pass said ordinance without change or submit  
22 the same at the next general municipal election occurring not more than ninety  
23 days after the filing of such petition.

24 The ballots used when voting upon said ordinance shall contain these words  
25 "Shall the ordinance (stating the nature of the proposed ordinance) be  
26 adopted," and shall otherwise comply with section 16, and the amendments  
27 thereto, of an Act entitled 'An Act to provide for the printing and distribution  
28 of ballots at public expense, and for the nomination of candidates for public of-  
29 fices, to regulate the manner of holding elections, and to enforce the secrecy  
30 of the ballot, Approved June 22, 1891. In force July 1, 1891.'" Such proposi-  
31 tion shall be submitted on a separate and distinct ballot, except as otherwise  
32 provided in this Act.

33 If a majority of the qualified electors voting on the proposed ordinance shall  
34 vote in favor thereof, such ordinance shall thereupon become a valid and bind-  
35 ing ordinance of the city; and any ordinance proposed by petition or which  
36 shall be adopted by a vote of the people, can not be repealed or amended except  
37 by a vote of the people.

38 Any number of proposed ordinances may be voted upon at the same election,

39 in accordance with the provisions of this section; but there shall not be more  
 40 than one special election in any period of six months for such purpose alone:  
 41 *Provided, however,* two or more proposed ordinances may be submitted separ-  
 42 ately on the same ballot.

43 The council may submit a proposition for the repeal of any such ordinance  
 44 or for amendments thereto, to be voted upon at any succeeding general city or  
 45 village election; and should such proposition so submitted receive a majority  
 46 of the votes cast thereon at such election, such ordinance shall thereby be re-  
 47 pealed or amended accordingly. Whenever any ordinance or proposition is re-  
 48 quired by this Act to be submitted to the voters of the city or village at any  
 49 election, the city or village clerk shall cause such ordinance or proposition to be  
 50 published once in each of the daily newspapers of general circulation published  
 51 in said city or village or, in case there is no daily newspaper published in said  
 52 city or village, then once in each weekly or semi-weekly newspaper published in  
 53 said city or village, and if there is no newspaper published in said city or vil-  
 54 lage, then by posting a printed copy of such ordinance or proposition in each of  
 55 the voting precincts in such city or village or, as near as possible to the polling  
 56 place therein; such publication or posting to be not more than twenty nor less  
 57 than five days before the submission of such proposition or ordinance to be voted  
 58 upon.

#### REFERENDUM.

Sec. 48. No ordinance passed by the council, except when otherwise required  
 2 by the general laws of the State or by the provisions of this Act, except an or-  
 3 dinance for the immediate preservation of the public peace, health or safety,  
 4 which contains a statement of its urgency and is passed by a two-thirds vote of  
 5 the council, shall go into effect before thirty days from the time of its final  
 6 passage, and if during said thirty days a petition signed by electors of the city

7 or village equal in number to at least ten per centum of the entire vote cast for all  
 8 candidates for mayor at the last preceding general municipal election at which  
 9 a mayor was elected, protesting against the passage of such ordinance, be pre-  
 10 sented to the council, the same shall thereupon be suspended from going into  
 11 operation, and it shall be the duty of the council to reconsider such ordinance;  
 12 and if the same is not entirely repealed, the council shall submit the ordinance  
 13 as provided in sub-section (b) of section 47 of this Act, to a vote of the electors  
 14 of the city or village, either at the general election or at a special election to  
 15 be called for that purpose; and if such petition protesting against the said  
 16 ordinance is filed then such ordinance shall not go into effect or become opera-  
 17 tive unless a majority of the qualified electors voting on the same shall vote  
 18 in favor thereof. But in the event of no such petition being filed protesting  
 19 against such ordinance, then such ordinance shall be in full force and effect.”  
 20 Said petition shall be in all respects in accordance with the provisions of said  
 21 section 47, except as to the percentage of signers.

Sec. 49. Any city or village which shall have operated for more than four (4)  
 2 years under the provisions of this Act may abandon such organization here-  
 3 under and accept the provisions of the general law of the State then applicable  
 4 to cities and villages, by proceeding as follows:

5 Upon the petition of not less than twenty-five per cent of the electors of  
 6 such city the following proposition shall be submitted at a general municipal  
 7 election, to-wit: “Shall the city of ..... (or the village of .....)  
 8 abandon its organization under the commission form of municipal government  
 9 and become a city (or village) under the general law.” If a majority of the  
 10 votes cast at such election be in favor of such proposition, the officers elected  
 11 at the next succeeding annual city or village election shall be those then pre-  
 12 scribed by the Act to which this Act is an amendment, and upon the qualification  
 13 of such officers, such municipality shall become a city or village as it was at the



14 time of the adoption of this Act by such city or village; but, such change shall not  
15 in any manner or degree affect the property, rights or liabilities of any nature  
16 of such municipality, but shall merely extend to such change in its form of govern-  
17 ment. The first set of aldermen or president and board of trustees so elected  
18 shall be the same number as provided for in such municipality at the time of its  
19 adoption of this Act, with the same ward and precinct boundaries, and shall also  
20 have the same elective officers as before.

21 The petition contemplated by this section shall be the same, the election or-  
22 dered and conducted and the results declared generally as provided for in sec-  
23 tion 42 of this Act, in so far as the provisions thereof may be applicable.

#### MISCELLANEOUS PROVISIONS.

Sec. 50. Every public service corporation shall furnish and provide equal  
2 and uniform service alike to all citizens of any city or village adopting the pro-  
3 visions of this Act, and it shall be unlawful and a sufficient ground for the  
4 forfeiture of any franchise for any such corporation to grant free service, or  
5 furnish better service or to furnish service at a lower price or rate, quantity  
6 considered, to any person or persons, or otherwise discriminate in the matter of  
7 rates of service between citizens of any such city or village adopting the provi-  
8 sions of this Act. Upon proof being received by the commissioners that this  
9 section is being violated, they shall at once summon witnesses and investigate,  
10 and if they so find then it shall be their duty to immediately cause suit to be  
11 instituted to have such franchise forfeited: *Provided, however,* the board of  
12 commissioners shall have power by ordinance to grant any such corporation the  
13 right to grant reduced rates to persons specified in such ordinance: *And, pro-*  
14 *vided,* that the board of commissioners may, by ordinance, authorize any street  
15 railway or interurban railway to transport free any member of the police or  
16 fire department of said city within the corporate limits thereof, and to author-



ize the giving of such free transportation in other cases, when the same shall not be in conflict with the general law of the State, which shall control and govern this subdivision. And when the same shall not conflict with the provisions of an Act of Congress entitled "An Act to regulate commerce," approved February 4, 1887, and the Act amendatory thereof approved June 29, 1906, and all Acts amendatory thereto.

Any person, firm or corporation, its agents or officers thereof violating the provisions of this section, and any person, firm or corporation accepting the preferences herein named, shall be punished by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or by imprisonment in the county jail not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, that any person receiving special favors or privileges referred to in section 50, shall be immune from punishment in case he testifies to any matter referred to therein in pursuance of subpoena from said municipal authorities.

#### AUDITOR.

Sec. 51. The judges of the circuit court shall appoint an auditor for any city or village within the jurisdiction of said circuit court adopting the provisions of this Act. The compensation of such auditor shall be determined by the board of commissioners of any such city or village. Such city or village shall require such auditor to give a good and sufficient bond in such sum as they may deem proper for the faithful performance of his duties with two or more good and sufficient sureties to be approved by the mayor and by the commissioner of finance and revenue.

It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the said city, and, if found correct, to sign his name in approval thereof, but if found incorrect he shall return them to the party pre-

12 sending the same for correction. He shall be the general accountant of the said  
 13 city or village adopting the provisions of this Act, and shall keep in books reg-  
 14 ular accounts of all real, personal and mixed property of the said city or vil-  
 15 lage adopting the provisions of this Act; of all receipts and disbursements of  
 16 money; and under proper heads, separately, each source of receipt and the  
 17 cause of each disbursement; and shall also keep an account with each person,  
 18 including the officers who have money transactions with the said city, crediting  
 19 amounts allowed by proper authority, and specifying the particular transac-  
 20 tion to which such entries apply. It shall be the duty of such auditor at least  
 21 once in each month to examine the books of account of all said city officers  
 22 charged with the receipt and disbursement of money; and if they be found in-  
 23 correct, to at once make a report in writing of the same to the mayor. It shall also  
 24 be his duty to examine all warrants and countersign the same after appropria-  
 25 tion has been made to pay the same by said board of commissioners. He shall  
 26 certify to the correctness of all monthly reports which shall be published by  
 27 the board of commissioners. Any auditor failing to comply with the provisions  
 28 herein specified shall be removed from office and in addition thereto shall be  
 29 subjected to a fine of not less than five (\$5.00) dollars nor more than five hun-  
 30 dred (\$500.00) dollars.

#### TREASURER.

Sec. 52. In addition to the other duties now imposed by law upon  
 2 the treasurer of any city or village, the said treasurer shall make daily de-  
 3 posits of such sums of money as shall be received by him from all sources  
 4 of revenue whatsoever, to his credit as treasurer of said city or village, in one  
 5 or more banks situated in said city or village, to be selected by the president  
 6 of said board of commissioners, the commissioner of accounts and finance, and  
 7 the treasurer of such city or village, or by any two of them, and any such

8 bank, before any such deposit is made therein, shall be required to enter into  
 9 an obligation with the said board of commissioners to pay into the treasury  
 10 of such city or village interest on the monthly balances of such deposits at  
 11 a rate to be fixed by the president of said board of commissioners, the com-  
 12 missioner of accounts and finance, and the treasurer, or by any two of them, and  
 13 which rate may be changed in the same manner—such rate to be not less than  
 14 three (3) per centum per annum, and shall also execute a good and sufficient  
 15 bond, with sureties to be approved by the president of said board of commis-  
 16 sioners, and conditioned that such bank will safely keep and account for, and  
 17 pay over said money. Said president of the board of commissioners, the com-  
 18 missioner of accounts and finance and the treasurer, in the selection of any  
 19 such depository bank, shall take into consideration the reputation and sol-  
 20 vency thereof, and the sufficiency of the security offered by such bank. All in-  
 21 terest paid by any such bank upon such balances shall be collected by the treas-  
 22 urer of said city or village, and shall be by him reported in his next state-  
 23 ment following such collection, and shall be considered and treated as part of  
 24 the general fund of such city or village, subject to use for any legitimate mu-  
 25 nicipal purpose.

Sec. 53. Neither the mayor nor any commissioner elected under the pro-  
 2 visions of this Act shall be interested directly or indirectly in any public serv-  
 3 ice corporation, nor shall such mayor or commissioner be interested directly  
 4 or indirectly in any franchise, grant or privilege conferred by city or village  
 5 wherein he holds office. Nor shall any such mayor or commissioner have been  
 6 interested directly or indirectly in any public service corporation or in any  
 7 grant, franchise or privilege granted by said city or village, within two years  
 8 prior to the date of his election as such mayor or commissioner.

9 Any mayor or such commissioner assuming office subject to the disqualifi-  
 10 cations of this section shall be deemed guilty of a misdemeanor, and shall be



11 punishable by a fine not less than one thousand dollars (\$1,000.00) nor more  
12 than five thousand dollars (\$5,000.00), or by imprisonment in the county jail  
13 of not less than three (3) months nor more than one (1) year, or by both  
14 such fine and imprisonment in the discretion of the court.

Sec. 54. The commissioners are hereby granted full power and authority  
2 to make proper regulations for due inspection of all plants and machinery of  
3 any person, firm or corporation exercising or enjoying any right, grant or fran-  
4 chise from any city or village adopting the provisions of this Act. And such com-  
5 missioner shall have the right to make all necessary examinations of any plant,  
6 appliances or apparatus for the purpose of making necessary tests to see that  
7 such firm, person or corporation comply with the regulations of such commis-  
8 sioners with reference to the quality and character of the commodity fur-  
9 nished. Said board of commissioners shall have the power to specify, deter-  
10 mine and regulate the quality and character of gas furnished to it and to the  
11 citizens of such city by any person, firm or company furnishing illuminating  
12 or fuel gas; and such cities and villages shall have full power and authority  
13 to do and perform all acts necessary to carry out and give full force and  
14 effect to the provisions of this section.

Sec. 55. All contracts, of whatever character, pertaining to public im-  
2 provement, or the maintenance of public property of any city or village, in-  
3 volving an outlay of as much as five hundred dollars (\$500.00) shall be based  
4 upon specifications to be prepared and submitted to, and approved by, the  
5 mayor and commissioners, and after approval by the mayor and commission-  
6 ers, advertisement for the proposed work, or matters embraced in said proposed  
7 contract, shall be made, inviting competitive bids for the work proposed to be  
8 done; which said advertisement shall be put in a daily newspaper not less than  
9 ten times. All bids submitted shall be sealed, shall be opened by the mayor in  
10 the presence of a majority of the aldermen, and shall remain on file in the



11 mayor's office and be opened to public inspection for at least forty-eight hours  
 12 before any award of said work is made to any competitive bidder. The com-  
 13 missioners shall determine the most advantageous bid for the city, and shall  
 14 enter into contract with the party submitting the lowest secure bid, but shall  
 15 always, in every advertisement of public work or contract involving as much as  
 16 five hundred dollars (\$500.00), reserve the right to reject any and all bids.  
 17 Pending the advertisement of the work or contract proposed, specifications  
 18 therefor shall be on file in the office of the mayor, subject to the inspection of  
 19 all parties desiring to bid.

#### OATHS AND BONDS.

Sec. 56. The mayor and commissioners and all officers, elected or ap-  
 2 pointed, shall, before entering upon the duties of their respective offices, take and  
 3 subscribe the oath or affirmation prescribed by the constitution; which oath or  
 4 affirmation, so subscribed, shall be filed in the office of the city or village clerk.

Sec. 57. The mayor and each commissioner, city or village clerk and city or  
 2 village treasurer, and such other officers and employes as the council may desig-  
 3 nate by ordinance, shall, before entering upon the duties of their respective  
 4 offices, execute bond with good and sufficient security to be approved by the coun-  
 5 cil, payable to the city or village in such penal sum as may, by resolution or or-  
 6 dinance, be directed, conditioned for the faithful performance of the duties of the  
 7 office and the payment of all moneys received by such officer, according to law  
 8 and the ordinances of said city or village: *Provided, however,* the bonds of the  
 9 mayor and of the commissioners shall be approved by the judge of the county  
 10 court of the county in which such city or village or the greater part thereof is  
 11 located, and shall not be fixed at a less sum than three thousand dollars (\$3,-  
 12 000.00).

13       The bonds of the mayor and commissioners shall be filed in the office of the  
14 county clerk of such county and be by him recorded in his office and carefully  
15 preserved.

16       The bonds of all other officers of such city or village (except the city or vil-  
17 lage clerk) shall be filed in the office of city or village clerk, and be by him re-  
18 corded in his office and carefully preserved. The bond of the city or village  
19 clerk shall be filed in the office of the city or village treasurer and be by him re-  
20 corded in such office and carefully preserved: *Provided, further,* the treasurer's  
21 bond shall in no case be fixed at a less sum than the amount of the estimated tax,  
22 special assessment, special tax, license fee and receipts of the city or the city or  
23 village from all sources for the current year.

Sec. 58. Any town or village or city having a special charter or any area of  
2 contiguous territory not exceeding two square miles, which shall have resident  
3 thereon a population of at least 300 inhabitants and which is not included in the  
4 limits of any incorporated town, village or city which may take steps to organize  
5 as a village or city under the Act to which this is an amendment, in addition to  
6 voting upon said proposition to so organize, shall also vote at the same election  
7 upon the question of adopting this Act and shall have printed on the same bal-  
8 lot a proposition in the following form:

|   |      |  |
|---|------|--|
| "Shall the city (or village, as the<br>case may be,) of (here insert the name<br>of such city or village) adopt the com-<br>mission form of municipal govern-<br>ment?" | Yes. |  |
|   | No.  |  |

9       Such proposition shall be voted upon in the manner as near as may be pro-  
10 vided by section 16 of an Act entitled, "An Act to provide for the printing and  
11 distribution of ballots at public expense and for the nomination of candidates for

public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot. Approved June 22, 1891. In force July 1, 1891."

And if such last named proposition is adopted by a majority vote of such municipality or territory also votes to organize as a city or village under the general law, then this Act shall apply to such city or village and it shall be deemed to be organized under this law, otherwise not.

Sec. 59. In the construction of this Act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute:

(a) The words "Commissioner" or "Alderman" or "Village Trustees" shall be construed to mean commissioner when applied to duties under the Act to which this is an amendment.

(b) When an office or officer is named in any law referred to in this Act, it shall, when applied to cities or villages under this Act, be construed to mean the office or officer having the same functions or duties under the provisions of this Act, or under ordinances passed under authority thereof.

(c) The word "council" shall be considered synonymous with "city council" or "president and board of trustees."

(d) The word "franchise" shall include every special privilege or right in the streets, alleys, highways, bridges, subways, viaducts, air, waters, public places and public property, whether granted by the State or the city or village, which does not belong to the citizens generally by common right.

(e) The word "electors" shall be construed to mean persons qualified to vote for elective officers at municipal elections.

(f) The word "city" where used in this Act shall include village.

(g) The term "municipal" or "municipality" where used herein shall mean either city or village.

(h) The word "treating" shall be construed to mean the entertaining of person or persons with food, drink, tobacco or drugs.



24 (i) The word "treats" shall be construed to mean the food, drink, tobacco  
 25 or drugs, requested, offered, given or received in treating or for entertainment of  
 26 a person or persons.

Sec. 60. The invalidity of any portion of this Act shall not effect the va-  
 2 lidity of any other portion thereof, which can be given effect without such in-  
 3 valid parts, the intention hereof being that the courts of this State shall pre-  
 4 sume conclusively that it is the intention of the General Assembly that all the  
 5 provisions of this Act, which are not in and of themselves invalid, shall be  
 6 given effect, notwithstanding the courts, but for the provisions of this section,  
 7 might presume it to be the intention of the General Assembly that the valid por-  
 8 tions of this Act should not be given effect unless the portions thereof which  
 9 are invalid would also be given effect.

Sec. 61. All Acts and parts of Acts in conflict with the provisions hereof  
 2 are hereby rendered inoperative in such cities or villages as shall adopt this Act  
 3 so long as they remain under this Act: *Provided, however,* nothing contained in  
 4 this Act shall in any way repeal, amend or affect the law pertaining to the mak-  
 5 ing of local improvements under the provisions of an Act entitled, "An Act con-  
 6 cerning local improvements," approved June 14, 1897, and all Acts amenda-  
 7 tory thereto: *And, provided, further,* that this Act shall not repeal, amend or af-  
 8 fect any of the provisions of chapter 105 entitled "Parks," but all the several  
 9 Acts therein contained shall be and remain of the same effect as if this Act had  
 10 not been adopted.



- 1   Reported from Senate, March 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

---

A   BILL

For an Act in regard to the administration of estates of persons presumed to be dead, by reason of seven years or longer absence from their former domicile in this State.

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SECTION 1.   *Be it enacted by the People of the State of Illinois represented*

2   *in the General Assembly:*   That whenever hereafter letters of administration

3   on the estate of any person presumed to be dead on account of absence for

4   seven or more years from the place of his or her last domicile within this State

5   shall be applied for, such application shall be made to the county court, or to the

6   probate court, in any county wherein a probate court is or hereafter may be

7   established, and said court shall then satisfy itself that the applicant would be

8   entitled by law to such letters were the supposed decedent in fact dead, and

9   said court shall then cause to be advertised once a week for four (4) suc-

10   cessive weeks in a newspaper of general circulation, published in the county

11 in which such application is made, or in the nearest county thereto having a  
12 newspaper of such general circulation, the fact of said application together with  
13 notice that on a day certain which shall be at least two weeks after the last of  
14 said advertisements, the court will hear evidence concerning the alleged ab-  
15 sence of the supposed decedent and the circumstances and duration thereof.

Sec. 2. At the hearing above provided the court shall take such legal evi-  
2 dence as shall then be offered for the purpose of ascertaining whether the pre-  
3 sumption of death is established, and no person shall be disqualified to testify by  
4 reason of his or her relationship as husband or wife to the presumed decedent,  
5 or of his or her interest in the estate of the person presumed to be dead.

Sec. 3. If satisfied upon the hearing that the legal presumption of death  
2 is made out, the court shall so decree and shall forthwith cause notice thereof  
3 to be inserted for two successive weeks in a newspaper of general circulation  
4 published in the said county, or in the nearest county having such newspaper,  
5 and also when practicable in a newspaper of general circulation published at or  
6 near the place where the presumed decedent was last heard from. The said  
7 notice shall require the presumed decedent, if alive, or permit any other per-  
8 son for him, to produce to the court within twelve (12) weeks from the date of  
9 its last insertion satisfactory evidence of the continuance in life of the presumed  
10 decedent. If, within the said period of twelve weeks, evidence satisfactory to  
11 the court of the continuance in life of the said presumed decedent shall not be  
12 forthcoming, it shall be the duty of the court to issue the letters of administra-  
13 tion to the party by law thereto entitled, and said letters shall conform in man-  
14 ner and form as near as may be to similar letters issued by the said court upon  
15 the estates of deceased persons, and the said administrator appointed under  
16 such letters shall be subject to the said court and to all the laws of the State  
17 of Illinois regarding administrators of the estates of deceased persons, the same

18 as though the presumed decedent were actually dead; and the said letters until  
19 revoked, and all acts done in pursuance thereto and in reliance thereon, shall be  
20 valid as if the presumed decedent were actually dead.

Sec. 4. The court may revoke the said letters at any time on due and  
2 satisfactory proof that the presumed decedent is in fact alive, after which revo-  
3 cation all the powers of the administrator shall cease, but all receipts or dis-  
4 bursements of assets and other acts previously done by said administrator shall  
5 remain as valid as if the said letters were not revoked, and the said adminis-  
6 trator shall settle an account of his administration down to the time of such  
7 revocation, and shall transfer all assets remaining in his hands to the person  
8 as whose administrator he had acted or to his duly authorized agent or attor-  
9 ney: *Provided*, nothing in this Act contained shall validate the title of any per-  
10 son to any money or property received as widow, next of kin or heir of such  
11 supposed decedent, but the same may be recovered from such person in all cases  
12 in which such recovery would be had if this Act had not been passed: *And*,  
13 *provided, further*, that before the distribution of the proceeds of the estate of  
14 such presumed decedent, the persons entitled to receive the same shall respect-  
15 ively give sufficient real or personal security, to be approved by the court, in  
16 such sum and form as the court shall direct, with condition that if the said  
17 presumed decedent shall in fact at the time be alive they will respectively re-  
18 fund the amounts received by each on demand with interest thereon, but if the  
19 person or persons entitled to receive the same is or are unable to give the  
20 security aforesaid, then the money shall be put at interest or security, approved  
21 by said court, which interest is to be paid annually to the person entitled to  
22 it, and the money to remain at interest until the security aforesaid is given  
23 or the court on application shall order it to be paid to the person or persons  
24 entitled to it.

Sec. 5. After revocation of the letters the person erroneously presumed to  
2 be dead may, on suggestion filed of record of the proper fact, be substituted as  
3 plaintiff in all actions brought by the administrator, whether prosecuted to  
4 judgment or otherwise.

5 He may in all actions previously brought against his administrator be sub-  
6 stituted as defendant on proper suggestion filed by himself or by the plaintiff  
7 therein, but shall not be compelled to go to trial in less than three months from  
8 the time of such suggestion filed. Judgments recovered against the adminis-  
9 trator before revocation as aforesaid of the letters may be opened on applica-  
10 tion by the presumed decedent, made within three months from the said revoca-  
11 tion and supported by affidavit denying specifically, on the knowledge of the  
12 affiant, the cause of action, or specifically alleging the existence of facts which  
13 would be a valid defense, but if within the said three months such application  
14 shall not be made, or being made, the facts exhibited shall be adjudged an in-  
15 sufficient defense, the judgment shall be conclusive to all intents saving the de-  
16 fendant's right to have it reviewed as in other cases by certiorari, writ of error  
17 on appeal. After the substitution of the supposed decedent as defendant in any  
18 judgment as aforesaid it shall become a lien upon his real estate in the county,  
19 and shall so continue for the period made and provided by law for other judg-  
20 ments unless it shall be set aside by due process of law.

Sec. 6. The costs attending the issue of letters or their revocation shall  
2 be paid out of the estate of the supposed decedent; and costs arising upon an ap-  
3 plication for letters which shall not be granted shall be paid by the applicant.

Sec. 7. Whenever the legal presumption of the death of any person shall  
2 be established in accordance with the foregoing sections of this Act, any per-  
3 son having custody of any will which may have been left by such person pre-  
4 sumed to be dead, by reason of seven years or more absence from the place of his



5 last domicile within this State, shall produce said will in the county court of the  
6 proper county or in the probate court in any county wherein a probate court is  
7 or hereafter may be established, and any person desiring to have the same ad-  
8 mitted to probate shall file a petition in the said court, asking that the said will  
9 be admitted to probate, which petition shall state the last known place of resi-  
10 dence in this State of the testator, and the place at which he was last heard from.  
11 also the names of all the heirs at law and the legatees, with the residence of each  
12 when known, and when unknown the petition shall so state, and the said petition  
13 shall be verified by the affidavit of the petitioner. And thereupon the clerk of  
14 said court shall send by mail to each of said parties a copy of said petition within  
15 five days after the filing thereof, and not less than twenty days prior to the hear-  
16 ing on said petition. And in case the post office address of any of said parties  
17 is not shown by the said petitioner, then publication shall be made for at least  
18 three weeks before the day set for the hearing, in a newspaper of general cir-  
19 culation, published in the county where said will is to be offered for probate,  
20 which publication notice shall contain the name of the testator, the heirs at law  
21 and legatees, when known: the time and place where said will is to be offered for  
22 probate: *Provided*, that in case such a petition is not filed and a will has been  
23 deposited in said court for the space of ten days, then it shall be the duty of the  
24 court to proceed to probate said will without petition being filed, but only after  
25 having caused publication and notice of the intention to probate said will to be  
26 given to the parties in interest as to the court may seem proper. When a will  
27 has been duly proved and allowed as in fact the last will and testament left by the  
28 presumed decedent, before his departure or disappearance from his last known  
29 residence in this State, the said will shall be admitted to probate as if the testa-  
30 tor were in fact dead, and the court shall issue letters testamentary thereon to  
31 the executor named in the will, or commit the administration to the wife, husband,  
32 next of kin or creditor, and all proceedings shall be in the manner and form as

33 near as may be as those provided by law in case the testator were actually  
34 dead, but no distribution of the estate to legatees, next of kin or heirs at law, or  
35 otherwise under the will, shall take place except as provided in the foregoing  
36 sections of this Act regarding the administration of the estate of persons pre-  
37 sumed to be dead. And the executor shall execute the said will according to its  
38 terms, and all property of the supposed decedent shall be vested as provided by  
39 said will in the several legatees and devisees named therein: *Provided*, that noth-  
40 ing herein shall prevent the said court from revoking the said letters upon satis-  
41 factory proof that the presumed decedent is in fact alive, after which revoca-  
42 tion the powers of the executor and the rights of the legatees and devisees under  
43 said will shall cease, and all receipts and disbursements of assets and other acts  
44 previously done by them shall remain as valid as if the said letters were un-  
45 revoked: *And, provided*, that legatees and devisees may be called upon at any  
46 time by the supposed decedent to account for any property which they may have  
47 received remaining in their hands, exactly as in this Act before provided the  
48 administrator may be called upon to account for such property or assets; and  
49 after such revocation the presumed decedent may be substituted in all actions  
50 for the executor, exactly as in this Act before provided with regard to the ad-  
51 ministrator.

AMENDMENT TO

46th Assem.      Senate Bill No. 99 in House      May 1909

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Adopted May 27, 1909.

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AMENDMENT. NO. 1.

Amend Senate Bill No. 99 in House as follows:

Insert after the word "estates" in first line of the title of said bill the words  
"and in relation to the probate of wills of."





- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 1 of an Act entitled “An Act to promote the safety of employes and travelers upon railroads by compelling common carriers engaged in moving traffic by railroad between points in the State of Illinois to equip their cars with automatic couplers and continuous brakes and their locomotives with driving wheel brakes, and for other purposes,” approved May 12, 1905, and in force July 1, 1905, by adding thereto a new section.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 1 of an Act entitled “An Act to pro  
3 mote the safety of employes and travelers upon railroads by compelling common  
4 carriers engaged in moving traffic by railroad between points in the State of  
5 Illinois to equip their cars with automatic couplers and continuous brakes and  
6 their locomotives with driving wheel brakes, and for other purposes,” ap  
7 proved May 12, 1905, and in force July 1, 1905, be and the same is hereby

8 amended by adding thereto a new section, to be known as section 1a, as fol-  
9 lows:

10       Sec. 1a. That from and after the passage of this Act it shall be unlawful  
11 for any common carrier engaged in moving traffic by railroad between points in  
12 this State to permanently use on its line any locomotive for switching purposes  
13 in yard limits, not equipped with a foot board on both front and rear end, to be  
14 not less than ten (10) inches in width and  $1\frac{1}{2}$  inches thick with a back board  
15 not less than three and one-half inches in width; proper hand-rails for the se-  
16 curity of employes whose duties require them to ride upon the front or rear  
17 end of such locomotives; with a head-light on front and rear end of such loco-  
18 tive, to be kept clean and in good working order and such head-light shall be  
19 kept lighted between the hours of sunset and sunrise: *Provided, however,*  
20 that in case of accident or unavoidable casualty the use temporarily by such  
21 common carrier of a locomotive will be permitted without such equipment:  
22 *Provided, further,* that the provisions of this Act shall not apply to locomotives  
23 hauling way freight when it is necessary to use them in placing cars at way  
24 stations nor to locomotives while hauling passenger trains nor through freight  
25 trains when used to pick up or cut off cars for or from said trains at stations  
26 between their division points: *And, provided, further,* that nothing herein  
27 contained shall be deemed to apply to switching done by road engines hauling  
28 trains between division points.

1. Reported from Senate May 13, 1909.
2. Read by title, ordered printed and to a first reading.

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A BILL

For an Act to revise the law in relation to the protection of fish in all the waters under the jurisdiction of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be unlawful for any person or persons  
3 to catch, take or kill, or attempt to catch, take or kill, any fish in any of the lakes,  
4 rivers, creeks, sloughs or other water courses within the jurisdiction of this  
5 State, except subject to the restrictions and by means and devices and at the  
6 seasons of the year hereinafter provided for in this Act. It shall be lawful  
7 to catch, take or kill all kinds of fish at any season of the year by means of a  
8 trout line or by angling for them with a hook and line held in the hand or at-  
9 tached to a rod: *Provided*, that there shall be attached to any such line so used  
10 in angling not more than three hooks nor more than one gang of three hooks  
11 nor more than three flies with a single hook in each fly, nor any lure with more

12 than three hooks or one gang of three hooks attached thereto; and *Provided*,  
 13 *further*, that no person shall catch, take or kill with such trout line or with such  
 14 hand or rod line in the aggregate more than thirty black bass, pike, pickerel or  
 15 wall-eyed pike, commonly known as jack or yellow salmon, in one calendar day.

16 It shall be lawful to catch and take all kinds of fish, except black bass, pike,  
 17 pickerel or wall-eyed pike, commonly known as jack or yellow salmon, with hoop  
 18 or fyke nets, or with trammel nets, the meshes of which are not less than two  
 19 inches square, between June first of any year and April 15th of the next succeed-  
 20 ing year and also with seines, which shall not exceed the length of three hundred  
 21 yards each and the meshes of which shall not be less than two inches square, be-  
 22 tween October first of any year and April 15th of the next succeeding year in all  
 23 waters used for commercial navigation, such as rivers, lakes, sloughs, or water  
 24 courses, and in lakes, sloughs and bayous immediately adjacent to such waters  
 25 and directly connected therewith within the jurisdiction of this State: *Provided*,  
 26 that no seine or seines, hoop or fyke net or trammel net shall be set or used  
 27 by any person or persons so as to obstruct more than one-half the width of any  
 28 stream, lake or slough or other water course within the jurisdiction of this  
 29 State.

30 It shall be lawful to catch or take minnows to be used for bait only, by the  
 31 means herein authorized to be used in catching or taking other fish and also by  
 32 means of minnow traps and minnow seines. Such minnow seines not to exceed  
 33 twenty-five feet in length, five feet in depth and the meshes thereof shall not be  
 34 larger than three-eighths of an inch square: *Provided, however*, that any person  
 35 or persons fishing for minnows for bait by means of trap or seine as above pro-  
 36 vided, shall return to the waters at once uninjured, all black bass, pike, pickerel,  
 37 wall-eyed pike and other fish of whatever size or length, except such as are com-  
 38 monly known as minnows.



39 It shall be unlawful to catch, take or kill between the 15th day of April and  
 40 the 15th day of June of each year, any fish for any purpose within four hundred  
 41 feet below any dam in any of the rivers, creeks, ponds, lakes, sloughs, bayous or  
 42 other water course within the jurisdiction of this State.

43 It shall be lawful for the Fish Commissioners of the State of Illinois or of  
 44 the United States, or persons authorized by them, to catch and take fish in any  
 45 way at any time at any such places as they may deem best for the purpose of  
 46 propagation or distribution for the purpose of propagation or for the purpose of  
 47 destroying objectionable fish.

48 Every person who shall at any time catch, take or kill, or attempt to catch,  
 49 take or kill any fish in any of the rivers, lakes, creeks, streams, sloughs, bayous  
 50 or other water courses within the jurisdiction of this State by the use of lime,  
 51 acid, medical or mechanical compound or dope or any medicated drug or any  
 52 coculus-indicus or fish berry, or any dynamite or giant powder, nitro-glycerine  
 53 or other explosive or substance, of which nitro-glycerine composes a part, or other  
 54 explosive, or any kind of fire-arms or by the use of jacks or artificial lights of any  
 55 kind, shall be deemed guilty of a misdemeanor and upon conviction shall be fined  
 56 not less than one hundred dollars nor more than two hundred dollars, or by  
 57 imprisonment in the county jail not less than six months, or both, at the discre-  
 58 tion of the court: *Provided, however,* that special permission may be granted  
 59 by the fish commissioners to any person or persons to use explosives for the pur-  
 60 pose of raising bodies of the dead or for mechanical engineering or mining  
 61 purposes only.

Sec. 2. It shall be unlawful to catch, take or kill by any device or means what-  
 2 ever, or to sell or offer for sale or have in possession any of the following named  
 3 fishes mentioned below, which are less than the weight or length mentioned for each.

4 Black bass, ten inches.

5 White or striped bass, eight inches.

- 6      Rock bass, eight inches.
- 7      Croppie, eight inches.
- 8      Yellow or ring perch, seven inches.
- 9      Wall-eyed or pike perch, fifteen inches.
- 10     Pike or pickerel, eighteen inches.
- 11     Buffalo, fifteen inches.
- 12     German carp, fifteen inches.
- 13     Sun fish, six inches.
- 14     Red-eyed perch, six inches.
- 15     Blue or channel cat, thirteen inches.
- 16     White perch, ten inches.
- 17     White fish, Menomie, one pound.
- 18     Common white fish, one and one-half pounds.
- 19     Lake trout, one and one-half pounds.
- 20     Turtle or terrapin, seven inch shell.

21     *Provided*, that the above named buffalo and German carp of any size and  
 22 other fish above named, of three-fourths of the sizes and weights, respectively,  
 23 above mentioned, may be caught and taken by hand or rod line for private and  
 24 personal use only, but not for sale.

Sec. 3. It shall be unlawful between April 15th and June 1st of each year  
 2 to sell or ship, offer for sale or shipment, any fish caught in any of the waters  
 3 under the jurisdiction of the State of Illinois.

4      It shall be unlawful at any time to sell or offer or expose for sale, to buy  
 5 or offer to buy, or have in possession for the purpose of sale, any black bass  
 6 caught, taken or killed within the jurisdiction of the State of Illinois.

7      It shall be unlawful to sell or offer or expose for sale, or to buy or offer to  
 8 buy, or to have in possession for the purpose of sale, any pike, pickerel or wall-

9 eyed pike, commonly known as jack or yellow salmon, between the first day of  
10 October in each year and the 15th day of April of the next succeeding year.

11 It shall be unlawful to transport, ship or take to any point outside of this  
12 State, any black bass, pike, pickerel or wall-eyed pike: *Provided*, that any per-  
13 son who is desirous of taking any of the above named fishes beyond the bound-  
14 aries of this State for his personal use, may carry one package, and no more,  
15 at any one time, containing not more than twenty pounds of fish, either dressed  
16 or as caught, or in lieu thereof, not more than two fish of any weight and such  
17 package must be accompanied by the owner thereof.

18 It shall be unlawful for any person to buy, sell, offer for sale or have in  
19 possession for the purpose of sale at any time, any fish which shall have been  
20 caught, taken or killed contrary to the provisions of this Act.

21 The possession of any such fish for shipment or in transit shall be *prima*  
22 *facie* evidence of violation of this section.

23 *Provided*, that this section shall not apply to the transportation of fish  
24 into or through this State or out of it by the State Fish Commission or the fish  
25 commission of other states or the United States.

26 *Provided*, also, that there shall be five days after the close of the fishing  
27 season to dispose of and ship all fish caught previous to the close of the fish-  
28 ing season. *Provided*, that all barrels, boxes, crates or any other receptacle,  
29 containing fish for shipment, either in or out of this State, shall be labeled with  
30 a tag thereon stating the different varieties of fish contained therein, giving the  
31 name of the shipper and place of business and all State and deputy State fish  
32 wardens shall have power to search all packages containing fish for such ship-  
33 ment to ascertain if such fish are being shipped lawfully and a failure to attach  
34 such labels will be deemed a misdemeanor and the shipper be fined not less than  
35 twenty-five dollars or more than fifty dollars for each offense, or confined in  
36 the county jail not less than thirty nor more than sixty days or both: *Provided*,

37 that this section shall not apply to fish shipped through or into this State from  
38 another state.

Sec. 4. Any person desiring to fish in any of the waters within the juris-  
2 diction of this State with seine, trammel net, hoop net or with fyke net shall  
3 first obtain a license so to do from the city, village or county clerk, who are  
4 hereby authorized to issue license, and for each such license shall pay the fol-  
5 lowing sum: For each one hundred yards of seine or less, except minnow seine,  
6 ten dollars; for each fifty yards of trammel net or less, two dollars and fifty  
7 cents; for each hoop net, fifty cents; for each fyke net, fifty cents. And each  
8 city, village or county clerk issuing any such license shall be entitled to a fee  
9 of 25 cents for each license so issued by him, in addition to the fee above pro-  
10 vided for, to be paid by the party applying for such license. Which payment  
11 so made shall license the person making the same to fish with said seine, tram-  
12 mel net, hoop net or fyke net at such time as prescribed by this Act. The  
13 license fee above provided shall be paid by the said clerk to the State Treas-  
14 urer at the end of each month and shall be placed to the credit of a fund to  
15 be known as the State fish protection fund, and shall be disbursed by the State  
16 Treasurer on vouchers signed by the State Fish Commissioners, approved by the  
17 Governor and filed with the Auditor of Public Accounts, who shall draw his war-  
18 rant therefor on the State Treasurer. And said license shall expire on the 15th  
19 day of April following its issuance. At the time the said payment is made the  
20 person making the same shall receive from the clerk a metal tag, which shall be  
21 of uniform style and pattern, to be prescribed and furnished the clerk by the  
22 fish commissioners, and shall attach such metal tag to said seine, trammel net,  
23 hoop net or fyke net in such a manner as to be at all times exposed to public  
24 view, and any person or persons using any seine, trammel net, hoop net or fyke  
25 net which has no tag attached, in the manner herein provided, shall be guilty of a  
26 misdemeanor, and upon conviction therefor shall be fined, and the seine, tram-



mel net, hoop net or fyke net so failing to be tagged as above provided shall be held to be forfeited to the State of Illinois and may be seized and conveyed to the sheriff of the county, as provided by this Act, by any fish commissioner, fish warden or deputy fish warden, and in such case the procedure shall be the same as in this Act above prescribed.

Sec. 5. That it shall be unlawful for any person not a resident of the State of Illinois to fish in any of the waters within the jurisdiction of this State without having first procured a license so to do.

Said license shall be procured from any county, city or village clerk in the following manner: The applicant shall fill out a blank application to be furnished by the State Fish Commissioners through the clerk of each county, city or village stating the name, age, occupation and place of residence of the applicant; said application shall be subscribed and sworn to by the applicant before such county, city or village clerk, and said applicant shall pay to the said county, city or village clerk the sum of five dollars as a license fee, together with the sum of fifty cents as the fee of said county, city or village clerk for administering the oath to the applicant and issuing the license. Said license shall bear the signature of the president of the State Fish Commissioners and the seal of the county, city or village in which the same is issued and be countersigned by the clerk issuing the same.

Said license shall expire on the 15th day of April following its issuance. The license fee above provided shall be paid by the said clerk to the State Treasurer at the end of each month and shall be placed to the credit of the same fund and paid out in the same manner as provided for the license fee in the preceding section.

Every license issued under the provisions of this section shall be signed by the licensee in ink and such license, when so signed, and when upon the person of the licensee therein named ready to be produced and exhibited for inspection

tion shall entitle the licensee therein named to fish in the waters within the jurisdiction of the State of Illinois during the respective periods and with the several means and devices and subject to all the restrictions provided by law of this State.

*Provided*, the license required of the person by this section shall not relieve any one from procuring any license that may be required by the laws of this State for the use of any hoop net, fyke net, seine, trammel net, boat or other device used in fishing.

Sec. 6. The president of the Fish Commissioners shall receive the sum of fifteen hundred dollars (\$1,500.00) per annum; a clerk to be appointed by the Governor upon recommendation of the Fish Commissioners the sum of twelve hundred dollars (\$1,200.00) per annum; one chief warden to be appointed by the Governor upon recommendation of the Fish Commissioners, the sum of twelve hundred dollars (\$1,200.00) per annum, as compensation for services to be performed by them, respectively, under the provisions of this Act. Said amounts shall be payable by the State Treasurer from the funds collected under the provisions of this Act upon order signed by the majority of the Fish Commissioners and approved by the Governor.

Sec. 7. The Governor, on the request of the Fish Commissioners, shall appoint five fish wardens, who shall be under the supervision of the Fish Commissioners, and whose duties it shall be to enforce all laws relating to fishes, arrest all violators thereof, and prosecute offenders against the same. They shall have power to serve process against such offenders, and shall have the power to arrest without warrant any person for violating any of the provisions of this Act. Each of said fish wardens shall receive a salary of nine hundred dollars per annum, to be paid out of the State treasury upon bills audited by the Fish Commissioners and approved by the Governor. And the Governor may also, upon

the recommendation of the Fish Commissioners, appoint one or more persons in each county in the State of Illinois, deputy fish wardens, whose duty it shall be to enforce the provisions of this Act, and who shall have the same powers and authority as fish wardens above provided for. Said deputy fish wardens shall receive for their compensation two dollars per day and necessary traveling expenses for what time they are actually employed in such work, and they shall also be paid one-half of the fines which may be collected under the provisions of this Act through the efforts of such deputy fish warden, from the funds in the hands of the State treasury received by the State Treasurer in accordance with the provisions of section 12 of this Act, upon the order of a majority of the Board of Fish Commissioners approved by the Governor.

Sec. 8. It shall be unlawful, at any time, to span or stretch over or in the waters of any inland lake, any trout lines or any set line, or to place any pole or poles, with hooks and lines attached, fastened or stuck in the bottom of such inland lake.

Sec. 9. If said fish commissioners, fish wardens, deputy fish wardens, or any or either of them, has reason to believe or does believe that any person or corporation has in his, her or its possession any fish taken or captured contrary to the provisions of this Act, or any fish less than the weight or length mentioned in this Act, contrary to law, it shall be the duty of such fish commissioners, fish wardens or deputy fish wardens, to go before any justice of the peace in the county and make affidavit of that fact. Said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the county, commanding him to proceed at once and search for said fish, and upon finding the same to seize and take possession of the same, and to keep the same until further ordered by the justice. Said constable shall read said warrant to the owner or person in



13 whose possession said fish is found. Said warrant shall be substantially as  
14 follows:

15        State of Illinois,        }  
16        .....County,        } ss.

17 To any constable of said county—greeting:

18 You are hereby commanded to search (here describe place), seize and  
19 take possession of and hold any fish found there, and you (here name owner,  
20 or person, or corporation in whose possession fish is found) are hereby no-  
21 tified to appear before me in my office in (here locate office), on (here state  
22 time of trial), and show cause why the fish should not be sold and the proceeds  
23 thereof distributed as required by law. (Signature of justice.)

24 (Date of warrant.) *Justice of the Peace.*

At the time mentioned in said warrant said justice shall proceed to hear and determine whether said fish were in the possession of the person or corporation contrary to law; and if said justice find that said fish were in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order the sale of the fish so seized. But if said justice find that the possession of such fish was not contrary to law, then the judgment of the court shall be that the same shall be returned to the person or corporation from whom the same were taken.

33 In case of a judgment and order of sale of such fish so seized, then said  
34 constable shall at once post two notices, one at the office of the justice and  
35 one at the place of sale, specifying in each notice the time and place of sale,  
36 not less than five (5) hours from the date of judgment. Said place of sale  
37 shall be upon the principal produce or market street of the city. Said constable  
38 shall, at the time and place mentioned in said notice, sell said fish at public  
39 auction to the highest bidder, for cash, and at once pay the proceeds of such  
40 sale into the court of the justice of the peace ordering such sale. Such con-  
41 stable shall give to the purchaser a certificate of purchase, in which shall be a  
42 description of the fish sold, together with the date of sale.



43 Said justice shall, as soon as the proceeds of the sale are paid into his  
 44 court, deduct the amount of his costs, together with the constable's costs, and  
 45 distribute the balance as follows:

46 One-half shall be paid to the fish commissioner, fish warden or deputy fish  
 47 warden making the complaint, which shall be kept by him for his services; and  
 48 one-half paid into the State treasury at once for the benefit of the State fish  
 49 protection fund.

50 *Provided*, also, that all seines or nets of illegal mesh or any other illegal de-  
 51 vice (except minnow seines, while used for catching minnows for bait) found  
 52 in or upon the waters in the jurisdiction of this State, or in the possession of  
 53 any one on said waters, shall be seized and conveyed to the sheriff of the  
 54 county where found to be dealt with as is hereinabove provided for in this  
 55 section.

Sec. 10. It shall be the duty of any of the fish commissioners, wardens, con-  
 2 stables and sheriffs to summarily seize and take possession of any device for  
 3 taking or killing fish herein declared to be unlawful, and its use prohibited;  
 4 they shall thereupon report such seizure to the State's attorney and deliver  
 5 such device to the sheriff, who shall forthwith file in the office of the county  
 6 clerk or circuit clerk an information in the name of the People of the State of  
 7 Illinois against the alleged owner or owners thereof, or of facts of the seizure and  
 8 unlawful character of the device; whereupon it shall be the duty of the clerk  
 9 of the county or circuit court to immediately issue two writs of summons in  
 10 the name of the People of the State of Illinois against such alleged owner or  
 11 owners; or, if the owner or owners be unknown, against the unknown owner or  
 12 owners thereof and shall deliver one summons to the sheriff, to be served and  
 13 returned in the same manner as a summons at law is served, and shall post one  
 14 summons in a conspicuous place at the court house door in such county, and  
 15 shall docket such case with the criminal cases of such court; and upon the ex-

16 piration of ten days after the posting of such notice, the circuit or county court  
 17 of such county, if then in session or when next in session thereafter, shall have  
 18 full jurisdiction thereof upon the clerk's certificate that he posted the notice  
 19 herein required or the sheriff's return of summons served, or both, and shall  
 20 proceed to a trial of said case; and if no plea denying the information to be  
 21 filed therein, the court shall take the information as *prima facie* evidence to  
 22 support a judgment therein, shall enter and order that the device subject of  
 23 the information to be condemned, and that, upon the expiration of twenty days  
 24 after the last day of that term of court, such condemned device be sold or de-  
 25 stroyed, as hereinafter provided, which order shall be certified to to the sheriff  
 26 by the clerk under the adjournment of the court and be by such sheriff returned  
 27 with the manner of its execution; and if a plea be entered in said case, the court  
 28 shall proceed to determine whether such device be unlawful and its use pro-  
 29 hibited by this Act, as in other cases without a jury unless demanded; and  
 30 shall enter judgment of restitution or condemnation accordingly, and no re-  
 31 covery by the owner or owners or other persons for the value of such property  
 32 so seized and destroyed in conformity with this Act shall be maintained.

33 *Provided, however,* that hoop nets or fyke nets so seized, the meshes of  
 34 which are of legal size, shall be sold by the sheriff and the proceeds thereof be  
 35 paid forthwith to the State fish protection fund.

36 *And, provided, further,* that any device for taking or killing fish, herein de-  
 37 clared to be unlawful and its use prohibited, which shall have been seized as  
 38 aforesaid, shall, by order of the court be destroyed. Appeals and writ of error  
 39 shall lie from the judgment of the court in the premises as in other cases

Sec. 11. It shall be the duty of all sheriffs, deputy sheriffs, constables, fis-  
 2 commissioners and fish wardens, to cause any person violating any of the se

3 tions of this Act to be promptly prosecuted, and the several fish commis-  
 4 sioners of this State shall have the power to arrest without a warrant, any per-  
 5 son or persons for violations of any section of this Act: *Provided*, that all  
 6 State Fish Wardens and Deputy State Fish Wardens shall have power to call  
 7 to their aid any sheriff, deputy sheriff, constable or police officer and all other  
 8 persons to aid in the enforcement of this Act.

Sec. 12. To enforce the provisions of this Act, all suits brought under the  
 2 same shall be brought in the name of the People of the State of Illinois, and shall  
 3 be brought on the complaint of any person or persons showing by affidavit that  
 4 some section of this Act has been violated, giving the names of the person or  
 5 persons violating if known, if unknown such affidavit shall state by some per-  
 6 son or persons whose name or names are unknown and such complaint may be  
 7 made before any justice of the peace in the county in which violation has been  
 8 made.

Sec. 13. When such violation is alleged to have been committed upon a  
 2 stream or water course which may be the dividing line between two counties,  
 3 then the complaint may be made to a justice of the peace in either of such coun-  
 4 ties, or prosecution may be had and maintained in any court of competent juris-  
 5 diction in either of said counties.

Sec. 14. If the justice, before whom such complaint shall be made, shall be  
 2 satisfied that there is reasonable cause to justify the making of such complaint,  
 3 he shall issue warrant, directed to the sheriff or constable of such county, com-  
 4 manding him forthwith to arrest and bring before him, or, in his absence, before  
 5 the next nearest justice of the peace within such county, the person or persons  
 6 alleged to have been guilty of violating any of the sections of this Act.



Sec. 15. Whenever any person or persons shall be brought before any justice of the peace, in the manner provided in this Act, it shall be the duty of such justice to hear and determine the complaint. The person or persons so charged may demand a jury, at any time before the commencement of the trial, and the case shall be tried as cases before justices in civil cases, and judgment shall be for conviction or acquittal of defendant or defendants in the case. In case a jury is called, the form of the verdict shall be, if for conviction, "We, the jury, find the defendant guilty, and assess the fine at ..... dollars;" and if for acquittal, "We, the jury, find the defendant not guilty." The justice shall pronounce the judgment in accordance with the verdict.

Sec. 16. Whenever any judgment or conviction shall be rendered against any defendant or defendants, as above provided, execution shall issue forthwith on such judgment; and the sheriff or constable to whom the case shall be directed shall pay the penalties collected on such execution in payment of such judgment to the justice of the peace who imposed such fine, or to the clerk of the court wherein the fine was imposed; and such justice or clerk shall immediately pay to the State Treasurer the amount of said fine, and said State Treasurer shall place the same to the credit of the State fish protection fund.

Sec. 17. Whenever any execution shall be issued, as above provided, said defendant or defendants shall stand committed to the county jail and the justice having possession of the docket in which said judgment was entered, shall issue his warrant to the sheriff or any constable of such county, commanding him to take and deliver the defendant or defendants in the execution to the jailor of such county, who shall receive such defendant or defendants into his custody and commit him to the county jail or workhouse of such county, whenever one exists, for a period of not less than ten nor more than sixty days, as the justice shall decide and direct in his



10 warrant; but such defendant or defendants so arrested or committed shall be  
11 discharged at any time on payment of such fine and costs.

Sec. 18. Any defendant or defendants against whom such judgment of  
2 conviction shall be rendered; and in case of acquittal, the party making the  
3 complaint, or any person who will give the necessary bond, shall have the right  
4 to appeal, on the same terms as in civil cases before justices; but no proceed-  
5 ings herein provided for shall be stayed unless such appeal shall be fully per-  
6 fected.

Sec. 19. That it shall be the duty of any person or persons who now own  
2 or control, or hereafter may erect or control, any dam or other obstruction  
3 across any of the rivers, creeks, streams, bayous or other water courses wholly  
4 within or running through this State, in such manner as shall obstruct the free  
5 passage of fish up and down or through such water or water courses, to place  
6 or caused to be erected in, or in connection with such dam or dams, durable  
7 and efficient fish ways, so that the free passage of fish up and down said waters  
8 may not be obstructed. All such fish ways shall be maintained and kept in  
9 good repair by the person or persons so owning or controlling such dam or  
10 other obstruction during the whole time for the existence of such dam or other  
11 obstruction, as aforesaid, so that said fish way shall at all times be open and  
12 free from obstruction for the passage of fish.

13 And in case the owner or person controlling, operating or using any dam  
14 or other obstruction, as aforesaid, shall fail or refuse, after ten days' notice,  
15 in writing, by a majority of the fish commissioners of this State, to construct  
16 and keep in good repair durable and efficient fish ways, as provided in this  
17 Act, then the fish commissioners may construct, or cause to be constructed,  
18 durable and efficient fish ways, or place the same in good repair, said work to  
19 be let by contract to the lowest responsible bidder, and may recover in any ac-  
20 tion of debt in the name of the People of the State of Illinois, before any jus-

21 tice of the peace or court of competent jurisdiction, the cost of constructing  
 22 or repairing such fish way. Any person or persons or corporations owning or  
 23 controlling any such dam or other construction, who shall fail or refuse to  
 24 comply with the provisions of this section with respect to the construction and  
 25 maintenance in good repair of such fish ways in any such dam, after having  
 26 been notified in writing by the fish commissioners, or a majority of them, to  
 27 construct or repair the same, shall be deemed guilty of a misdemeanor, and  
 28 for each and every twenty days after such notification that such person or per-  
 29 sons shall neglect or refuse to comply with the provisions of this section in  
 30 not erecting, maintaining and keeping in good repair such fish ways, he or they  
 31 shall be subject to a penalty of not less than twenty-five nor more than two  
 32 hundred dollars.

Sec. 20. All fish-ways built as provided in this Act, if constructed to the  
 2 satisfaction and approval of a majority of the Fish Commissioners, then every  
 3 owner or person controlling such dam or other obstruction as provided in this  
 4 Act, may obtain from such Fish Commissioners, or a majority of them a certi-  
 5 ficate that such fish-ways are constructed in compliance with this Act, which cer-  
 6 tificate shall be a full protection against any prosecution for violation of this  
 7 Act, for not providing a fish-way. Such certificate may be suspended at any  
 8 time by the Fish Commissioners, when such fish-way is not maintained or re-  
 9 paired as herein required. If such person or persons so owning or controlling  
 10 any such dam or other obstruction shall fail to construct or maintain such fish-  
 11 way to the satisfaction of the Fish Commissioners, or a majority thereof, then it  
 12 shall be *prima facie* evidence of the violation of this Act: *Provided*, that no  
 13 owner or owners of any dam or dams shall be required by this Act, or any other  
 14 Act, to construct or allow the construction of any fish-way in such manner as to  
 15 endanger the permanent durability of such dam or dams, or to impair their use-  
 16 fulness. Nor shall they be required to construct or repair such fish-ways by

17 using some particular patent on which a patent fee is demanded, or to construct  
 18 or repair such fish-way when high water or climatic conditions may render such  
 19 work impracticable. The Fish Commissioners, or a majority of them, to deter-  
 20 mine whether or not such fish-way will endanger the permanent durability of  
 21 such dam, or impair its usefulness as to such high water or climatic conditions,  
 22 and in case the owner or owners of such dam dissent to the decision of such  
 23 Fish Commissioners, or a majority of them, then a board of arbitration shall be  
 24 chosen to determine such matters; one by the Fish Commissioners, or a majority  
 25 of them; one by the owner or owners of such dam, and the two so chosen shall  
 26 select a third within thirty (30) days after their selection, and if not so selected  
 27 within thirty (30) days, then the third shall be selected by the Governor of the  
 28 State, and the decision of such arbitrators, so chosen, shall be final. If the owner  
 29 or owners of such dam shall not choose the arbitrator, as aforesaid, within ten  
 30 (10) days after the notice in writing by the Fish Commissioners, or a majority of  
 31 them, then the decision of the Fish Commissioners shall be final and conclusive.  
 32 In case of the destruction or damage resulting to the dam by reason of construc-  
 33 tion of a fish-way, under direction of the Fish Commissioners, such damage shall  
 34 be repaired at the expense of the State.

Sec. 21. Any person or persons violating any of the provisions of this Act,  
 2 where no other penalty is provided, shall be deemed guilty of a misdemeanor,  
 3 and upon conviction, shall be fined not less than fifty dollars nor more than two  
 4 hundred dollars and costs for every offense, and shall stand committed to the  
 5 county jail until such fines and costs are paid.

Sec. 22. All Acts and parts of Acts in conflict with this Act are hereby re-  
 2 pealed.





- 1    Reported from Senate May 20, 1909.
- 2    Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 8 of an Act entitled, “An Act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois,” approved and in force March 11, 1869, as amended by Act approved June 19, 1891, in force July 1, 1891.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of an Act entitled, “An Act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois,” approved and in force March 11, 1869, as amended by Act approved June 19, 1891, in force July 1, 1891, be and the same is hereby amended to read as follows:

Sec. 8. *That on and after July 1, 1909, any fire insurance company organized under this Act or incorporated under any law of this State, for the purpose of investing its capital, surplus and other funds, or any part thereof,*

10 may purchase and hold as collateral security or otherwise, and sell and convey  
 11 any bonds or public stock issued or created by the United States or by this  
 12 State, or by any of the other states of the United States, or the District of  
 13 Columbia, or any or either of them, or by any of the incorporated cities, coun-  
 14 ties, townships or other municipal corporations thereof, or, bonds authorized  
 15 to be issued by any commission appointed by the Supreme Court of this State,  
 16 or invest its said capital and surplus and other funds, or any part thereof, in  
 17 bonds or notes secured by mortgages or trust deed on unincumbered real  
 18 estate located within said states, or the District of Columbia, or either of them,  
 19 worth at least double the sum invested or loaned; or lend on or purchase mort-  
 20 gage bonds of railroad companies organized under the laws of said states, or  
 21 the District of Columbia, or either of them, or operated therein; or the capital  
 22 stock, bonds, securities or evidences of indebtedness created by any corpora-  
 23 tion or corporations organized under the laws of the United States, or of this  
 24 or of any state, except the stock of mining companies and the stock of manu-  
 25 facturing companies, commonly known as "industrials:" Provided, that no loan  
 26 shall be made or retained on any of the above mentioned securities except the  
 27 bonds or stocks issued or created by the United States, or of this State, ex-  
 28 ceeding 90 per centum of the market value thereof: And, provided, further,  
 29 that no loans shall be made by any company on its own stock.

30 No investment or loan shall be made by any such insurance company  
 31 unless the same shall first have been authorized by the board of directors, or  
 32 by a committee thereof, charged with the duty of supervising such loan. No  
 33 such company shall subscribe to or participate in any underwriting of the pur-  
 34 chase or sale of securities or property, or enter into any transaction for such  
 35 purchase or sale on account of said company jointly with any other person,  
 36 firm or corporation, nor shall any such company enter into any agreement to  
 37 withhold from sale any of its property, but the disposition of its property shall

38 *be at all times within the control of the board of directors. This Act shall*  
39 *apply to all investments of the funds of domestic fire insurance companies of*  
40 *every kind and character.*

Sec. 2. *Section 8 of the amended Act of 1869, as the same now exists, is*  
2 *hereby specifically repealed.*





- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to provide for the inspection and licensing of all slaughtering, meat packing or rendering plant or plants or similar establishments in which cattle, sheep, swine or poultry are slaughtered to be done under and by authority of the Board of Live Stock Commissioners of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Board of Live Stock Commissioners shall make, or cause to be made, by the State Veterinarian, or his assistants, or any duly authorized live stock inspector in the employ of the State of Illinois (as often as they may deem necessary) an inspection of all slaughtering, meat packing or rendering plant or plants, or similar establishments in the State of Illinois in which cattle, sheep, swine or poultry are slaughtered, but the provisions of this Act shall not apply to such establishments within the State of Illinois as are operated under United States government inspection, to inform

10 themselves concerning the sanitary condition of the same, to prescribe the  
11 rules and regulations of sanitation under which such establishments shall be  
12 maintained.

Sec. 2. It shall be the duty of any person, firm or corporation desiring to  
2 operate any slaughtering, meat packing or rendering plant or plants, or similar  
3 establishment in the State of Illinois, to notify the Board of Live Stock Commis-  
4 sioners of such intention, by filling out a blank application for a license, to be  
5 furnished upon request, by the Board of Live Stock Commissioners, stating the  
6 name, location and description of such plant or plants, by whom owned and the  
7 business sought to be carried on; which application shall be subscribed and  
8 sworn to by the applicant before a notary public; whereupon the said Board  
9 may at its discretion, issue a permit to operate said plant temporarily, pending  
10 inspection. Upon receipt of said application, the said Board of Live Stock  
11 Commissioners shall make, or cause to be made, by any person herein authorized  
12 to make said inspection, a thorough examination of the buildings, grounds and  
13 premises used or to be used for said purposes, and if it shall appear to him  
14 that the person, firm or corporation has complied with all the rules and re-  
15 quirements of said Board of Live Stock Commissioners as to sanitation and  
16 cleanliness, then said Board shall issue a license to the owner of said plant,  
17 which license shall state that the person, firm or corporation to whom said  
18 license has been issued has complied with all the rules and requirements of said  
19 Board as to cleanliness and sanitation. Said license shall be displayed in a  
20 conspicuous place where the product of said slaughtering or rendering plant is  
21 sold, and shall so remain unless revoked by order of the Board of Live Stock  
22 Commissioners. In event any license has been issued as herein provided, and it  
23 shall afterward appear to said board, upon examination of the premises as  
24 herein provided, that said work is being carried on in an insanitary or un-  
25 wholesome or uncleanly manner, or the rules and regulations of said Board are

26 being violated, or that animals unfit for human food are being slaughtered on  
27 such premises, then the said Board of Live Stock Commissioners shall, at once,  
28 revoke and annul the license of the offender or offenders and take up and de-  
29 stroy said license. The fee for such license and inspection shall be \$5.00, which  
30 in all cases shall accompany the application.

Sec. 3. Any person, firm or corporation conducting or attempting to con-  
2 duct any slaughtering, meat packing or rendering plant or plants, or similar es-  
3 tablishment in this State without a license from the said Board of Live Stock  
4 Commissioners as provided for in this Act, or in event any person, firm or cor-  
5 poration to whom a license has been issued shall fail, neglect or refuse to comply  
6 with any provision in this Act contained, shall be deemed guilty of a misde-  
7 meanor, and upon conviction thereof, be punished by a fine of not less than one  
8 hundred dollars (\$100) nor more than five hundred dollars (\$500), or confined  
9 in the county jail not exceeding one year, or both.

Sec. 5. For the purpose of assisting in the making of the inspection and  
2 carrying out the provisions of this Act, the said Board of Live Stock Com-  
3 missioners are hereby authorized to appoint inspectors not exceeding five in  
4 number who shall be paid a salary of not exceeding twelve hundred dollars  
5 (\$1,200) per annum, and their necessary traveling, hotel and incidental expenses  
6 necessarily incurred in the performance of their duties under this Act, to be paid  
7 on certified and itemized vouchers to be approved by the Governor. Said in-  
8 spectors shall at any time be subject to removal by said Board of Live Stock  
9 Commissioners.





1 Reported from Senate May 20, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in relation to the adulteration and deception in the manufacture and sale of spirits of turpentine, to provide for the enforcement thereof by the State Food Commissioner, and to prescribe penalties for the violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That it shall be unlawful for any person, firm or cor-  
3 poration, agent or agents to manufacture, mix for sale, sell or offer or expose  
4 for sale, or to dispose of, or to have in possession with intent to sell or dispose  
5 of, under the name of spirits of turpentine, or misbrand any article which is  
6 not wholly distilled from the natural gum, dip or scrape of pine trees unmixed  
7 and unadulterated with oil, benzine, wood turpentine or any other foreign sub-  
8 stance or substances whatsoever, unless the package containing same shall be  
9 stenciled or marked in a plain and conspicuous manner as follows: "Adulterated  
10 Spirits of Turpentine." Where barrels or drums are used as containers, same  
11 must be stenciled or marked with letters not less than two (2) inches high.

Sec. 2. The State Food Commissioner is charged with the proper enforcement of all the provisions of this Act.

Sec. 3. The State Food Commissioner, or his assistant, experts, chemists and agents, as shall be duly authorized for the purpose when and as often as he may deem necessary shall have access and ingress to all places of business, factories, stores and buildings used for the manufacture, storage or sale of "spirits of turpentine." They shall also have power and authority to open any package, barrel, tank, can, jar, tub or other receptacle containing "spirits of turpentine" in any form, or other receptacle containing "spirits of turpentine" that may be sold, manufactured or exposed for sale in violation of the provisions of this Act, inquire into or examine methods or process of manufacture; and if it appears that any of the provisions of this Act have been violated by such party, then the State Food Commissioner shall at once certify that fact to the State's attorney in the county in which the violation of this Act occurred, with a copy of the results of the analysis of the examination of such article, duly certified by the analyst or officer making such examination, under oath of such officer.

Sec. 4. Any person, firm or corporation, agent or agents, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

- 1   Reported from Senate, Feb. 24, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend the title and also sections Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of an Act entitled, "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, and in force July 1, 1908.

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- SECTION 1. *Be it enacted by the People of the State of Illinois represented*
- 2 *in the General Assembly:* That the title of an Act entitled, "An Act to enable
- 3 cities and villages to establish public tuberculosis sanitariums," approved
- 4 March 7, 1908, and in force July 1, 1908, be amended to read as follows:
- 5      "An act to enable cities, villages and counties to establish and maintain
- 6 public tuberculosis sanitariums," and that sections Nos. 1, 2, 3, 4, 5, 6, 7, and 8,
- 7 of said Act, entitled, "An Act to enable cities and villages to establish and
- 8 maintain public tuberculosis sanitariums," approved March 7, 1908, in force
- 9 July 1, 1908, be amended to read as follows:
- 10      Sec. 1. That the city council of cities and boards of trustees in villages and
- 11 the board of county commissioners or supervisors in counties in this State,

12 shall have the power in the manner hereinafter provided, to establish and main-  
13 tain a public sanitarium for the use and benefit of the inhabitants of such city,  
14 village or county, for the treatment and care of persons afflicted with tubercu-  
15 losis and to levy a tax not to exceed three mills on the dollar annually on all  
16 taxable property of such city, village or county, such tax to be levied and col-  
17 lected in like manner with the general taxes of said city, village or county, and  
18 to be known as the "Tuberculosis Sanitarium Fund," which said taxes shall  
19 be in addition to all other taxes which such city, village or county is now  
20 or hereafter may be authorized to levy.

21       Sec. 2. When three hundred legal voters of any such city, village or  
22 county shall present a petition to the city council, or board of trustees of such  
23 city, village, or board of county commissioners or supervisors of such county,  
24 as the case may be, asking that an annual tax may be levied for the establish-  
25 ment and maintenance of a public tuberculosis sanitarium in such city, village  
26 or county, and shall specify in their petition a rate of taxation not to exceed  
27 three mills on the dollar, such city council, or board of trustees or board of  
28 county commissioners or supervisors, as the case may be, shall instruct the city,  
29 village or county clerk to, and such city, village or county clerk shall in the next  
30 legal notice of the regular or general election in such city, village or county,  
31 or in the special election called for that purpose, give notice that at such elec-  
32 tion every elector may vote "for the levy of a tax for a public tuberculosis sani-  
33 tarium," or "against the levy of tax for a public tuberculosis sanitarium," and  
34 if the majority of all the votes cast upon the proposition in such city, village or  
35 county shall be "for the levy of tax for a public tuberculosis sanitarium," the  
36 city council or board of trustees or board of county commissioners or super-  
37 visors of such city, village or county, shall thereafter annually levy a tax of  
38 not to exceed three mills on the dollar, which tax shall be collected in like man-  
39 ner with other general taxes in such city, village or county and shall be known  
40 as the "Tuberculosis Sanitarium Fund," and thereafter the city council or board



41 of trustees or board of county commissioners or supervisors, as the case may  
42 be, of such city, village or county, shall include and appropriate from such fund  
43 in the annual appropriation bill, such sum or sums of money as may be deemed  
44 necessary to defray all necessary expenses and liabilities of such sanitarium.

45     Sec 3. When any such city council or board of trustees or board of county  
46 commissioners or supervisors shall have decided to establish and maintain a  
47 public sanitarium under this Act, the mayor of such cities, or the president  
48 of the board of trustees of such villages, or the chairman of the board of super-  
49 visors, or the president of the county board shall, with the approval of the  
50 city council, or board of trustees, or the board of county commissioners or super-  
51 visors, as the case may be, proceed to appoint a board of three directors, one  
52 of whom, in cities or villages or counties having a board of health, shall be  
53 from such board of health, and the other two from the citizens at large, and  
54 shall be chosen with reference to their special fitness for such office, in cities,  
55 villages or counties not having a board of health, a board of three directors  
56 shall be chosen from the citizens at large.

57     Sec. 4. Said directors shall hold office one-third for one year, one-third  
58 for two years and one-third for three years, from the first of July following  
59 their appointment, and at their first regular meeting shall cast lots for the re-  
60 spective terms; and annually thereafter the mayor or president of the board  
61 of trustees, or chairman of the board of supervisors, or president of the county  
62 board, as the case may be, shall, before the first of July each year, appoint  
63 as before, one director to take the place of the retiring director, who shall  
64 hold office for three years and until his successor is appointed. The mayor  
65 or president of the board of trustees, or president of the county board, or  
66 chairman of the board of supervisors, as the case may be, by and with the  
67 consent of the city council, or board of trustees, or board of county commis-  
68 sioners or supervisors, as the case may be, remove any director for misconduct  
69 or neglect of duty.

70       Sec. 5. Vacancies in the board of directors, occasioned by removal, resig-  
71 nation or otherwise, shall be reported to the city council, or board of trustees,  
72 or board of county commissioners or supervisors, as the case may  
73 be, and be filed in like manner as original appointments, and no  
74 director shall receive compensation as such and shall not be interested,  
75 either directly or indirectly, in the purchase or sale of any supplies for said  
76 sanitarium.

77       Sec. 6. Said directors shall, immediately after appointment, meet and  
78 organize, by the election of one of their number as president and one as sec-  
79 retary and by the election of such other officer as they may deem necessary.  
80 They shall make and adopt such by-laws, rules and regulations for their own  
81 guidance and for the government of the sanitarium as may be expedient, not  
82 inconsistent with this Act. They shall have the exclusive control of the ex-  
83 penditure of all moneys collected to the credit of the "Tuberculosis Sani-  
84 tarium Fund," and of the construction of any sanitarium building and of the  
85 supervision, care and custody of the grounds, rooms or buildings constructed,  
86 leased or set apart for that purpose: *Provided*, that all moneys received for  
87 such sanitarium shall be deposited in the treasury of said city, village or  
88 county, to the credit of the "Tuberculosis Sanitarium Fund," and shall not  
89 be used for any other purpose and shall be drawn upon by the proper officers  
90 of said city, village or county, upon the properly authenticated vouchers of  
91 the sanitarium board. Said board shall have the power to purchase or lease  
92 ground and to occupy, lease or erect any appropriate building or buildings  
93 for the use of said sanitarium, by and with the approval of the city council,  
94 or board of trustees, or board of county commissioners or supervisors, as the  
95 case may be; shall have the power to appoint a suitable superintendent or  
96 matron, or both, and all necessary assistants, and fix their compensation, and  
97 shall also have power to remove such appointees; and shall in general carry  
98 out the spirit and intent of this Act, in establishing and maintaining a public

99 sanitarium and one or all of said directors shall visit and examine said sani-  
100 tarium at least twice in each month and make monthly reports of its condition  
101 to the city council or board of trustees, or board of county commissioners or  
102 supervisors, as the case may be.

103       Sec. 7. Every sanitarium established under this Act shall be free for the  
104 benefit of the inhabitants of such city, village or county, who may be afflicted  
105 with tuberculosis and they shall be entitled to occupancy, nursing, care, medi-  
106 cines and attendance according to the rules and regulations prescribed by  
107 said board. Such sanitarium shall always be subject to such reasonable rules  
108 and regulations as said board may adopt in order to render the use of said  
109 sanitarium of the greatest benefit to the greatest number, and said board may  
110 exclude from the use of said sanitarium any and all inhabitants and persons  
111 who shall wilfully violate such rules or regulations. And said board may  
112 extend the privileges and use of such sanitarium to persons residing outside  
113 of such city, village or county in this State so afflicted upon such terms and  
114 conditions as said board may from time to time by its rules and regulations  
115 prescribe.

116       Sec. 8. Said board of directors, in the name of the city, village or county,  
117 may receive from any inhabitant or person any contribution or donation of  
118 money or property and shall pay over to said city, village or county treas-  
119 urer all moneys thus received, as often as once in each month, and shall take  
120 the receipt of such treasurer therefor; and shall also, at the regular monthly  
121 meeting of the city council or board of trustees, or board of county commis-  
122 sioners or supervisors, report to such city council, board of trustees or board  
123 of county commissioners or supervisors, the names of such persons or inhabit-  
124 ants from whom any such contribution or donation has been received, and the  
125 amount and nature of property so received from each, and the date when the  
126 same was received. And said board of directors shall make, on or before the  
127 second Monday in June of each year, an annual report to the city council or

128 board of trustees, or board of county commissioners or supervisors, as the  
129 case may be, stating the condition of their trust on the first day of June of  
130 that year, the various sums of money received from the "tuberculosis sanitar-  
131 ium fund" and from other sources, and how such moneys have been expended  
132 and for what purposes; the number of patients and such other statistics, infor-  
133 mation and suggestions as they may deem of general interest.

Sec. 2. Whereas, an emergency exists, this Act shall be in force and effect  
2 from and after its passage.







AMENDMENTS TO

46th Assem      Senate Bill No. 139 in House      Feb. 1909

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1    Offered by the Committee on Judiciary, and adopted by the House Feb. 25, 1909.

AMENDMENT NO. 1.

Amend the title of Senate Bill No. 139 by striking out all after the word,  
2    "bill" and insert in lieu thereof the following: "For an Act to amend sec-  
3    tions 1 and 2 of an Act to enable cities and villages to establish and maintain  
4    public tuberculosis sanitariums," approved March 7, 1908, in force July 1,  
5    1908.

AMENDMENT NO. 2.

Strike out all of bill after enacting clause and insert in lieu thereof the fol-  
8    lowing:

That sections 1 and 2 of "An Act to enable cities and villages to establish  
10    and maintain public tuberculosis sanitariums," approved March 7, 1908, and in  
11    force July 1, 1908, be amended to read as follows:

Sec. 1. That the city council of cities and boards of trustees in villages of  
13    this State shall have the power, in the manner hereinafter provided, to es-  
14    tablish and maintain a public sanitarium for the use and benefit of the inhab-  
15    itants of such city or village for the treatment and care of persons afflicted with  
16    tuberculosis and to levy a tax not to exceed one mill on the dollar annually on  
17    all taxable property of such city or village, such tax to be levied and collected  
18    in like manner with the general taxes of said city and to be known as the

19 "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other  
20 taxes which such city or village is now or hereafter may be authorized to levy.

21 Sec. 2. When one hundred legal voters of any such city or village shall  
22 present a petition to the city council or board of trustees of such city or village,  
23 as the case may be, asking that an annual tax may be levied for the establish-  
24 ment and maintenance of a public tuberculosis sanitarium in such city or village,  
25 such city council or board of trustees, as the case may be, shall instruct the city  
26 or village clerk to, and such city or village clerk shall, in the next legal notice of  
27 the regular annual election in such city or village, give notice that at such elec-  
28 tion every elector may vote "For the levy of a tax for a public tuberculosis  
29 sanitarium," or "against the levy of a tax for a public tuberculosis sanitarium,"  
30 and if the majority of all the votes cast upon the proposition is, that such city  
31 or village shall be "for a public tuberculosis sanitarium," the city council or  
32 board of trustees of such city or village shall thereafter annually levy a tax  
33 of not to exceed one mill on the dollar, which tax shall be collected in like man-  
34 ner with other general taxes in such city or village and shall be known as the  
35 "Tuberculosis Sanitarium Fund," and thereafter the city council or board of  
36 trustees, as the case may be, of such city or village shall include and appropri-  
37 ate from such fund in the annual appropriation bill such sum or sums of money  
38 as may be deemed necessary to defray all necessary expenses and liabilities of  
39 such tuberculosis sanitarium.

40 Sec. 3. WHEREAS, An emergency exists, therefore, this Act shall be in force  
41 and effect from and after its passage.



- 1    Reported from Senate April 22, 1909.
- 2    Read by title, ordered printed and to a first reading.

A BILL

For an Act to repeal an Act entitled “An Act defining who may become delegates or who shall have any voice in the management of or legislate for any fraternal insurance society doing business in the State of Illinois,” approved on May 23, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the Act entitled “An Act defining who may  
3 become delegates or who shall have any voice in the management of or legislate  
4 for any fraternal insurance society doing business in the State of Illinois,” ap-  
5 proved May 23, 1907, be and the same is hereby repealed.



- 1    Reported from Senate, April 15, 1909.
- 2    Read by title, ordered printed and to a first reading.

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A BILL

For an Act to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal certain Acts therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That a board of examiners, to consist of five prac-

3 ticing dentists, to be known as the Illinois State Board of Dental Examiners,

4 is hereby created, whose duty it shall be to carry out the purposes and enforce

5 the provisions of this Act, as hereinafter specified. The members of said

6 board shall be appointed by the Governor, and at the time of their appoint-

7 ment upon said board, must be actual residents of the State and must have

8 been, for a period of five years, or more, legally licensed to practice dentistry

9 or dental surgery in this State: *Provided, however,* that no person shall be

10 eligible to appointment to said board who is in any way connected with or

11 interested in any dental college or dental department of any institution of

12 learning. The term for which the members of said board shall hold office shall  
13 be five years: *Provided*, that the members of the dental board, in office at the  
14 time of the passage of this Act, shall be permitted to serve out their respective  
15 terms of office for which they were appointed, and until their successors shall  
16 be duly appointed. In case of a vacancy occurring on said board, such va-  
17 cancy shall be filled by the Governor, as herein provided.

Sec. 2. Said board shall choose one of its members president and one  
2 secretary thereof, and it shall meet at least once in each year, and oftener if  
3 necessary, in the discretion of the board, and at such times and places as it may  
4 deem proper. A majority of the members of said board shall, at all times,  
5 constitute a quorum, for the transaction of the business of the board, and the  
6 proceedings thereof shall, at all reasonable times, be open to public inspection.

Sec. 3. No person, unless previously registered or licensed to practice  
2 dentistry in this State at the time this Act shall become operative, shall begin  
3 the practice of dentistry or dental surgery, or any branches thereof, without  
4 first applying for and obtaining a license for such purpose from the Illinois  
5 State Board of Dental Examiners. Application shall be made to said board  
6 in writing, and shall, in every instance, be accompanied by the examination fee  
7 of twenty dollars (\$20), together with satisfactory proof that the applicant is  
8 of good moral character and twenty-one years of age or over at the time of  
9 making the application. Application from a candidate who desires to secure  
10 a license from said board to practice dentistry or dental surgery in this State  
11 shall be accompanied by satisfactory proof that the applicant so applying for  
12 a license has been engaged in the actual, legal and lawful practice of dentistry  
13 or dental surgery in some other state or country for five consecutive years  
14 just prior to application; or is a graduate of and has a diploma from the  
15 faculty of a reputable dental college, school or dental department of a repu-  
16 table university; or is a graduate of and has a diploma from the faculty of a



17 reputable medical college or medical department of a reputable university, and  
18 possesses the necessary qualifications prescribed by the board. When such ap-  
19 plication and the accompanying proof are found satisfactory, the board shall  
20 notify the applicant to appear before it for examination at a time and place  
21 to be fixed by the board. Examination may be made in whole or in part,  
22 orally or in writing at the discretion of the board, and shall be of a character  
23 as to test the qualification of the applicant to practice dentistry or dental  
24 surgery. All examinations provided for in this Act shall be conducted by the  
25 board, which shall provide for a fair and wholly impartial method.

Sec. 4. Said Board of Dental Examiners shall make rules or regulations  
2 to establish a uniform and reasonable standard of educational requirements  
3 to be observed by dental schools, colleges or dental department of universities,  
4 and said board may determine the reputability of those by reference to their  
5 compliance with said rules or regulations.

Sec. 5. Any person shall be regarded as practicing dentistry or dental  
2 surgery within the meaning of this Act, who shall treat, or profess to treat any  
3 of the diseases or lesions of human teeth or jaws, or extract teeth, or shall  
4 prepare and fill cavities in human teeth, or correct the malposition of teeth, or  
5 supply artificial teeth as substitutes for natural teeth: *Provided*, that nothing  
6 in this Act shall be so construed as to prevent regularly licensed physicians or  
7 surgeons from extracting teeth: *Further*, this Act shall not prevent students  
8 from performing dental operations under the supervision of competent in-  
9 structors within a dental school, college or dental department of a university  
10 recognized as reputable by the Illinois State Board of Dental Examiners.

Sec. 6. Any person licensed to practice dentistry or dental surgery in this  
2 State by the Illinois State Board of Dental Examiners, as hereinbefore pro-  
3 vided, shall personally and within ninety days from date of issue, cause such

4 license to be registered with the county clerks of such county or counties in which  
 5 such person desires to engage in the practice of dentistry or dental surgery,  
 6 and the county clerks of the several counties of this State shall charge for reg-  
 7 istering such license a fee of twenty-five cents (25c) for each registration.  
 8 *And it is hereby provided further,* that every person who engages in the prac-  
 9 tice of dentistry or dental surgery in this State shall cause his or her license  
 10 to be registered with the county clerk before beginning the practice of dentis-  
 11 try in said county, and to be, at all times, displayed in a conspicuous place, in  
 12 his or her office wherein he or she shall practice such profession, and shall  
 13 further, whenever requested, exhibit such license to any of the members of the  
 14 said board or its authorized agent.

Sec. 7. The board may refuse to issue the license provided for in this Act,  
 2 or may revoke any license now in force or that shall be hereafter given, if is-  
 3 sued to individuals who have, by false or fraudulent representations, obtained  
 4 or sought to obtain practice or by false or fraudulent representations obtained  
 5 or sought to obtain money or any other thing of value, or have practiced under  
 6 names other than their own, or for any other dishonorable conduct. The board,  
 7 when written charges have been filed with its secretary, and seem sustained by  
 8 proof, shall fix a time and place for the examination of a person so charged  
 9 and shall give written notice to the said person of the time and place and fur-  
 10 nish him with a copy of the charges, at least twenty days prior to the date fixed  
 11 for the examination.

Sec. 8. Any failure, neglect or refusal on the part of any person obtain-  
 2 ing a license to practice dentistry or dental surgery from the said board, to  
 3 register such license with the county clerk of some county in this State, as  
 4 above directed, within ninety days from the date of issue of the same, shall  
 5 work a forfeiture of such license, and no license when once forfeited, shall be

6 restored, except upon payment to the said board of the sum of fifteen dollars  
7 (\$15), for such neglect, failure or refusal to register such license and the sur-  
8 render of forfeited license.

Sec. 9. In order to provide the means for carrying out and enforcing the  
2 provisions of this Act, the said board shall charge each person applying to it  
3 for examination for a license to practice dentistry or dental surgery in this  
4 State, an examination fee of twenty dollars (\$20), and in addition thereto, a  
5 license fee of five dollars (\$5), for every license or duplicate license issued  
6 by said board, and out of the funds coming into the possession of the board  
7 under the provisions of this Act, the members of the said board shall each  
8 receive as compensation the sum of ten dollars (\$10), for each day actually  
9 engaged in the duties of the office and all legitimate and necessary expense in-  
10 curred in attending the meetings of the said board: *Provided*, that the secre-  
11 tary of the board, for the purpose of enforcing the provisions of this Act shall  
12 receive a salary to be fixed by the board, instead of the per diem of ten dollars  
13 (\$10). All expenses shall be paid from the fees, fines and penalties received  
14 and recovered by the board under the provisions of this Act: *Provided*, that  
15 no part of said expense shall be paid out of the State treasury. All moneys  
16 received in excess of said per diem allowance and other expenses herein pro-  
17 vided shall be held by the secretary of the said board as a special fund for  
18 meeting expenses of said board, and said board shall make an annual report  
19 of its proceedings to the Governor by the 15th day of December of each year,  
20 together with an account of all moneys received and disbursed by them pur-  
21 suant to this Act.

Sec. 10. Any person filing or attempting to file as his own the diploma  
2 or license of another, or a forged affidavit of identification or qualification,  
3 shall be deemed guilty of a felony, and upon conviction thereof, shall be sub-



ject to such fine and imprisonment as is made and provided by the statutes of this State for the crime of forgery.

Sec. 11. The State Board of Dental Examiners may, in its discretion, issue a license to practice dentistry or dental surgery without examination to a legal practitioner of dentistry or dental surgery, who removes to Illinois from another state or territory of the United States, or from a foreign country, in which he or she conducted a legal practice of dentistry or dental surgery for at least five years immediately preceding his or her removal: *Provided*, such applicant present a certificate from the Board of Dental Examiners, or a like board, of the state, territory or country from which he or she removes, certifying that he or she is a competent dentist or dental surgeon, and of good moral character: *And, provided, further*, that such certificate is presented to the Illinois Board of Dental Examiners not less than six months after its date of issue, and that the board of such other state, territory or country shall in like manner, recognize certificates issued by the Board of Dental Examiners of the State of Illinois, presented to such other board by legal practitioner of dentistry or dental surgery from this State, who may wish to remove to or practice in such other state, territory or country.

Sec. 12. Any one who is a legal and competent practitioner of dentistry or dental surgery in the State of Illinois, and of good moral character and known to the Board of Dental Examiners of this State as such, who desires to change his or her residence to another state, territory, or foreign country, shall, upon application to the Board of Dental Examiners, receive a certificate over the signature of the president and secretary of said board, and bearing its seal, which shall attest the facts above mentioned and giving the date upon which he or she was registered and licensed.



Sec. 13. The fee for issuing a license to a legal practitioner from another  
2 state, territory, or foreign country to practice dentistry or dental surgery in  
3 this State under section 11 of this Act shall be twenty-five dollars (\$25), and  
4 the fee for issuing a certificate to a legal practitioner of this State, under sec-  
5 tion 12 of this Act, shall be five dollars (\$5), and in each case the fee shall be  
6 paid in cash before the license or certificate, respectively, shall be issued.

Sec. 14. For the purpose of correcting and revising the register of legal  
2 practitioners of dentistry, as kept by the State Board of Dental Examiners, it  
3 shall be the duty of each person registered, or licensed, by the board to prac-  
4 tice dentistry in this State to procure from the secretary of the board, on or  
5 before November 1, 1909, and on or before November 1st biennially there-  
6 after, a certificate of registration. Such certificate shall be issued by the secre-  
7 tary upon payment of a fee to be fixed by the board, not exceeding the sum  
8 of one dollar. All certificates so issued shall be *prima facie* evidence of the  
9 right of the holder to practice dentistry in this State during the time for which  
10 they are issued, and the same shall be exposed to public view in the operating  
11 room of the holder. Any certificate or license heretofore granted, or that may  
12 be hereafter granted, by the board, shall be cancelled if the holder thereof fails  
13 to secure the renewal certificate herein provided for within a period of six  
14 months after November 1, 1909, and biennially thereafter: *Provided*, that the  
15 license or certificate thus cancelled may be restored by the board upon the pay-  
16 ment of a fee of twenty dollars without further examination of the holder as  
17 to his competency and ability to practice. It shall be the duty of the secretary  
18 of the board to mail to each person whose name appears upon the register of  
19 said board on or before October 1, 1909, and at the same time biennially there-  
20 after, a printed blank form, to be filled out by the holder of such license or  
21 certificate, which shall be returned by such holder to the secretary of the board,  
22 properly filled out, together with the fee established by said board for this

23 purpose. The board shall cause a notice to be inserted in not less than three  
24 newspapers in the city of Chicago, and two newspapers in the city of Spring-  
25 field, informing the dentists of this State that such registration will be re-  
26 quired. Such notice shall be printed in such newspapers in one of each three  
27 successive weeks between the first day of October and the first day of Novem-  
28 ber, 1909, and during the same period biennially thereafter.

Sec. 15. That all dentists or dental surgeons now legal practitioners of  
2 dentistry or dental surgery in this State, or those who may hereafter become  
3 such, shall be exempt from service as jurors in any of the courts of this State.

Sec. 16. Any person who shall practice dentistry in this State without  
2 being registered or without a license for that purpose, or violates any of the  
3 provisions of this Act, shall be subject to prosecution before any court of com-  
4 petent jurisdiction upon complaint, information or indictment, and shall, upon  
5 conviction, be fined for each offense in any sum not less than fifty dollars  
6 (\$50) nor more than two hundred dollars (\$200). All fines imposed and col-  
7 lected under this Act shall be paid to the Illinois State Board of Dental Exam-  
8 iners for its use.

Sec. 17. All licenses issued by the said board shall be signed by all of  
2 the members thereof, and be attested by its president and secretary.

Sec. 18. Any association or company of persons, whether incorporated  
2 or not, who shall engage in the practice of dentistry under the name of com-  
3 pany, association or any other title, shall cause to be displayed and kept in a  
4 conspicuous place at the entrance of its place of business, the name of each  
5 and every person employed in said company or association in the practice of  
6 dentistry, and any one so employed by said company or association whose name  
7 shall not be so displayed as above provided, and the said association or com-

pany, if incorporated, or the persons comprising the same, if not incorporated, shall, for the failure to display the aforesaid names, be deemed guilty of a misdemeanor, and upon conviction thereof, each shall be punished as provided in this Act.

Any manager, proprietor, partnership, association or incorporation owning, running, operating or controlling any room or rooms, office or dental parlors; where dental work is done, provided or contracted for, who shall employ, keep or retain any unlicensed person or dentist as an operator; or,

Who shall fail, within ten days after demand made by the secretary of the Illinois State Board of Dental Examiners, in writing sent by registered mail, addressed to any such manager, proprietor, partnership, association or incorporation at said room, office or dental parlor, to furnish to said secretary the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry, shall be guilty of a misdemeanor and subject to the penalties provided for in this Act: *Provided, however,* that such sworn statement shall not be used as evidence in any subsequent court proceedings.

Sec. 19. "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Illinois," approved May 30, 1881, and in force July 1, 1881, and "An Act to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal an Act therein named," approved May 18, 1905, and in force July 1, 1905, and other Acts and parts of Acts amendatory of either of said Acts, are hereby repealed: *Provided, however,* that such repeal shall in no wise affect any suit, prosecution, or court proceeding pending at the date of the passage of this Act, or the right of the State Board of Dental Examiners created under either of

10 said Acts or the board created by this Act, to claim or receive any moneys  
11 paid in by way of fine or license fee, and the board created by this Act shall have  
12 the power and authority to use any funds received by it in discharging and ob-  
13 ligation of the board or boards existing under the Acts above repealed.



AMENDMENT TO

46th Assem.      Senate Bill No. 145 in House      May 1909

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Amend Senate Bill No. 145, section 11, line 11, by striking out the word "less"  
and inserting the word "more."



- 2 Reported from Senate April 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section eleven (11) of an Act entitled, “An Act to organize and regulate county fire insurance companies,” approved June 2, 1877, in force July 1, 1877, as amended by Act approved May 17, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eleven (11) of an Act entitled, “An Act to organize and regulate county fire insurance companies,” approved June 2, 1877, in force July 1, 1877, as amended by an Act approved May 17, 1907, in force July 1, 1907, be amended to read as follows:

Sec. 11. Every member of such company who may sustain loss or damage by fire or lightning, shall immediately notify the president of such company, or, in his absence, the secretary thereof, stating the amount of dam-

9 ages or loss claimed; and the president and secretary, acting through an adjust-  
10 ing committee, as hereinafter designated, shall proceed to ascertain the  
11 amount of such loss or damage and adjust the same.

12 In all cases an adjusting committee shall consist of a director, who shall  
13 be a resident of the district where the loss occurs, who shall be chairman of  
14 the committee, and two directors, who shall be residents of the adjoining dis-  
15 tricts, provided they are all disinterested; and in case either is interested, the  
16 president shall appoint a disinterested director in his stead, and this commit-  
17 tee shall examine all losses occasioned by lightning or fire, upon notice being  
18 received from the secretary of the time to meet on said premises and ascer-  
19 tain such loss; and they shall report to the president and secretary the  
20 amount of such loss, the origin of the fire, if possible, in case the loss was  
21 occasioned by fire, and their recommendations as to the payment of such loss.  
22 A disinterested carpenter may be called by said committee to assist in ascer-  
23 taining the amount of such loss. Any one disinterested director, after receiv-  
24 ing notice from the secretary, may ascertain and report to the president and  
25 secretary the amount of any loss that may occur in his district, in case the  
26 amount of such loss does not exceed the sum of one hundred dollars. In case  
27 there is a failure of the parties to agree upon the amount of such damage or  
28 loss, the claimant may appeal to the judge of the county court, in the county  
29 in which the office of such company is located, whose duty it shall be to ap-  
30 point three disinterested persons, as a committee of references, who shall  
31 have full authority to examine witnesses and to determine all matters in dis-  
32 pute, and shall make their award in writing to the president of such com-  
33 pany, and such award shall be final. The pay of said committee of reference  
34 shall be two dollars per day for each day's service so rendered, and four  
35 cents for each mile necessarily traversed in the discharge of their duties, which  
36 shall be paid by the claimant, unless the award of said committee shall ex-



ceed the sum offered by the company in litigation of such loss or damage, in  
which case said expenses shall be paid by the company. All adjusting and  
reference committees shall have the power to administer oaths, examine wit-  
nesses and take acknowledgments.



- 1    Reported from Senate March 24, 1909.
- 2    Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend “An Act in regard to the administration of estates,” approved

April 1, 1872, in force July 1, 1872, by adding a new section thereto, to be known as

section 60½.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That “An Act in regard to the administration of

3 estates,” approved April 1, 1872, in force July 1, 1872, be, and the same hereby

4 is amended by adding the following section thereto:

5        Sec. 60½. No suit or proceeding, except a local action, shall be brought

6 to charge any estate or the administrator or executor thereof appointed by vir-

7 tue of and under the laws of the State of Illinois for any debt or undertaking

8 of the deceased, out of the county where such estate is being administered.





- 1   Reported from Senate, April 9, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; as amended by Act approved April 8, 1875, in force July 1, 1875; title as amended by Act approved March 28, 1874, in force July 1, 1874, by adding thereto two new sections to be known as sections 12a and 12b respectively.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled "An Act concerning fees and  
3 salaries, and to classify the several counties of this State with reference there-  
4 to," approved March 29, 1872, in force July 1, 1872; as amended by Act ap-  
5 proved April 8, 1875, in force July 1, 1875; title as amended by Act approved  
6 March 28, 1874, in force July 1, 1874, be and the same is hereby amended by  
7 adding thereto two new sections to be known as sections 12a and 12b respec-  
8 tively and to read as follows:

9       Sec. 12a. All fees, perquisites and emoluments collected or received by  
10 the clerk of the supreme court shall be paid into the State treasury; and said  
11 clerk shall, semi-annually, on or before the first days of April and October of  
12 each year file a statement, under oath, with the Governor, showing  
13 by items the amount of such fees, perquisites and emoluments collected or  
14 received by him, together with the receipt of the State Treasurer for the same.  
15 And upon failure to file such statement, or failure to pay to the treasurer the  
16 fees, perquisites and emoluments so collected or received by him, he shall forfeit  
17 the sum of fifty dollars, and be liable for double the amount of fees, perqui-  
18 sites and emoluments collected and received and not paid to the treasurer: *Pro-*  
19 *vided*, that the necessary expenses incurred by said clerk in and about the con-  
20 duct of the business and management of the office of said clerk of the supreme  
21 court shall be fixed and allowed by the judges of the supreme court, and paid  
22 out of the receipts of said office.

23       Sec. 12b. The clerk of the supreme court shall be allowed and paid an an-  
24 nual salary, in lieu of all other salaries, fees, perquisites, emoluments, benefits  
25 or compensation in any form whatever, of six thousand dollars, payable in  
26 quarter-yearly installments out of the State treasury, on the warrant of the  
27 Auditor of Public Accounts out of any moneys not otherwise appropriated.

- 1 Reported from Senate, March 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 276 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 276 of an Act entitled, "An Act for  
3 the assessment of property and for the levy and collection of taxes," approved  
4 March 30, 1872, in force July 1, 1872, be and the same hereby is amended  
5 to read as follows:

6     Sec. 276. If any real or personal property shall be omitted in the assess-  
7 ment of any year or number of years, or the tax thereon, for which such prop-  
8 erty was liable, from any cause has not been paid, or if any such property, by  
9 reason of defective description or assessment thereof, shall fail to pay taxes  
10 for any year or years, in either case the same, when discovered, shall be

11 listed and assessed by the assessor, and placed on the assessment and tax books.  
12 The arrearages of tax which might have been assessed, with ten per cent inter-  
13 est thereon, from the time the same ought to have been paid, shall be charged  
14 against such property by the county clerk. It shall be the duty of county  
15 clerks to add uncollected personal property tax to the tax of any subsequent  
16 year, whenever they may find the person owing such uncollected tax assessed  
17 for any subsequent year: *Provided*, before any property, omitted in the as-  
18 sessment as aforesaid, shall be assessed, the tribunal or person authorized by  
19 law to assess the same shall cause notice to be served upon the owner or  
20 owners of the property omitted of the time and place where the assessment of  
21 such omitted property will be considered. Such notice may be either by pub-  
22 lication in some secular newspaper of general circulation published in the  
23 county where such property is located, or by written or printed, or partly  
24 written and partly printed notices served upon the owner or owners in person.  
25 Such publication or service of notice shall be had not less than ten (10) days  
26 prior to the date fixed in such notice for the hearing.



- 1   Reported from Senate April 1, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 121 of an Act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 121 of an Act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same is hereby amended to be as follows:

6      Sec. 121. The county board of the respective counties shall annually, at  
7 the September session, determine the amount of all county taxes to be raised  
8 for all purposes. The aggregate amount shall not exceed the rate of seventy  
9 five cents on the one hundred dollars valuation, except for the payment of in  
10 debtedness existing at the adoption of the present State constitution, unless au

11 thorized by a vote of the people of the county. When for several purposes, the  
12 amount for each purpose shall be stated separately: *Provided, however,* that  
13 in all counties where, under any law, the county board is or may be required to  
14 pass an annual appropriation bill within the first quarter of the fiscal year, the  
15 tax levy above provided for may be made at any time after such annual appro-  
16 priation bill shall be in full force and effect.

- 1 Reported from Senate, May 6, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the sale of the Kaskaskia commons, upon the island of Kaskaskia, in the county of Randolph, and to create a permanent school fund for the inhabitants of said island out of the proceeds of said sale, and to punish any person failing to comply with the provisions thereof.

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WHEREAS, The inhabitants of the island of Kaskaskia, in the county of  
2 Randolph, are in common entitled to the use and benefit of certain lands com-  
3 monly known as the Kaskaskia commons, consisting of about 6,500 acres, by  
4 virtue of an ancient grant recognized and confirmed by the government of the  
5 United States and the State of Illinois; and,

6 WHEREAS, The right to sell or lease said lands, or any part thereof, was  
7 granted by the constitution of Illinois of 1848 to a majority of the qualified  
8 voters therein; and,

9 WHEREAS, Pursuant to said right, a majority of the qualified voters of Kas-  
 10 kaskia did petition the General Assembly of Illinois for permission to lease  
 11 said lands, whereupon the General Assembly of Illinois passed an Act which  
 12 was approved Jan. 23, 1851, granting said privilege for school and other pur-  
 13 poses as therein specified; and,

14 WHEREAS, The said lands, pursuant to said Act of 1851, have been leased  
 15 in separate subdivisions at different times for a period of fifty years; and,

16 WHEREAS, It appears, from a petition now presented to the General Assem-  
 17 bly of Illinois by a majority of the legal voters of said island, that a large  
 18 portion of the funds secured by the said leasing, and intended for school pur-  
 19 poses, have been misused and misappropriated by the trustees entrusted with  
 20 the care thereof; and,

21 WHEREAS, It also appears from said petition that the school system pro-  
 22 vided by the Act of 1851 for the said island, is now wholly inadequate and in-  
 23 efficient for the inhabitants of said island and that the common schools of said  
 24 island are in need of said funds; and,

25 WHEREAS, There is no general law in this State, nor can one be enacted.  
 26 applicable to the case because there is no other such a grant of commons with-  
 27 in the State nor any other community so situated; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
 2 *in the General Assembly:* That upon the passage of this Act the Governor of  
 3 the State of Illinois shall appoint a land commissioner for the commons of  
 4 Kaskaskia to be known as and by the name and style of "Land Commissioner  
 5 of the Commons of Kaskaskia," and by that name he and his successors shall  
 6 have perpetual succession and existence with power to contract and to be con-  
 7 tracted with, with power to sue and be sued, to plead and be impleaded, in all  
 8 actions at law or in equity in any court of competent jurisdiction, and to do



9 and perform all other acts necessary for the proper exercise of the powers  
 10 herein conferred, not inconsistent with the constitution and the laws of this  
 11 State or of the United States, until the object and purposes of this Act, as  
 12 hereinafter specified, are fully completed and carried out as herein directed.

Sec. 2. Any vacancy occurring in the office of the said land commissioner  
 2 by death, removal, resignation or otherwise, shall be filled from time to time by  
 3 appointment by the Governor of Illinois: *Provided*, that if any one appointed  
 4 should vacate said office by death or otherwise before its object and purposes  
 5 are fully carried out by him, he shall only have such portion of the compen-  
 6 sation herein provided for as the Governor of the State may determine.

Sec. 3. The said land commissioner shall immediately, after this Act be-  
 2 comes a law and he has qualified as herein provided, proceed at once to take  
 3 possession of all books, papers, vouchers, leases, contracts, deeds, property, real  
 4 or personal, and all other papers or property of every description and any-  
 5 thing pertaining to the commons of Kaskaskia from the present "Presidents  
 6 and Trustees of the Commons of Kaskaskia," or any one else having possession  
 7 of the same, and shall take possession of all moneys in the possession of the  
 8 said "President and Trustees of the Commons of Kaskaskia," or any of the  
 9 officers of said commons, or any other person or persons belonging to the said  
 10 common fund, or which in any way are proceeds which have been derived from  
 11 the leasing of said commons, no matter where they may be found, and shall  
 12 proceed, and is hereby authorized to sue for and recover any and all of such  
 13 common funds that may have been misappropriated by any of the trustees or  
 14 officers of said Commons of Kaskaskia, or any other person or persons in any  
 15 court of competent jurisdiction, and to proceed against them, either personally  
 16 or upon their official bond, and to make any settlement or compromise of  
 17 any disputes arising over said property, in court or otherwise, provided  
 18 he deems it best or expedient to enhance said funds, and any trustee or

19 officer now or hereafter in office, or heretofore having held any office in  
20 connection with said commons, who shall have any of the books, papers, and  
21 other property aforesaid, in his possession or control, or who shall have in  
22 his possession or control any of the funds belonging to said common fund, who  
23 shall not deliver up the same to said commissioner, upon written demand be-  
24 ing made therefor, shall be liable to punishment by indictment or information  
25 in any court of competent jurisdiction in this State, and upon a conviction  
26 for a failure to comply with said request, shall be fined in any sum not exceed-  
27 ing \$200.00 or imprisoned in the county jail not exceeding six months, or both,  
28 in the discretion of the court

Sec. 4. Said commissioner shall, as soon after this Act becomes a law,  
2 as practical, cause said common lands to be re-surveyed and a map or plat  
3 made thereof, the present survey of the subdivision of said commons to be  
4 followed as nearly as practical so as to ascertain the exact number of acres  
5 in each of the lots of said commons, which said plat shall designate the lands  
6 in cultivation, the low lands, the timber lands, and the improvements on said  
7 lands and any other things that may be necessary to give full information and  
8 understanding of the location, character, and value of said lands, and he shall  
9 have as many blue print copies made of said plat as may be necessary to carry  
10 out the purposes of this Act.

Sec. 5. As soon as said lands have been surveyed and platted as provided  
2 by section 4 of this Act, said commissioner shall select two free-holders, resi-  
3 dents of Illinois, who shall not be residents of Randolph county, but who shall  
4 have a general knowledge of the value of such lands in Illinois along the Mis-  
5 sissippi river from East St. Louis to Cairo, who shall take and subscribe to an  
6 oath to fully and fairly appraise said lands as contemplated by this Act and shall  
7 file the same with said commissioner and who shall then go with him upon said

8 lands, swear and examine such witnesses as they may deem necessary and ex-  
9 amine each and every lot thereof and appraise the same at its fair cash value,  
10 taking into consideration the value of the deeded lands already owned in fee  
11 by the inhabitants living upon said island, and the value of land similarly situ-  
12 ated in the Mississippi river bottoms and its adaptability for cultivation and lia-  
13 bility to overflow, valuing the land and improvements separately, which said  
14 value so made by the said appraisers jointly with said commissioner, shall be  
15 reduced to writing and filed with said commissioner and shall be placed upon a  
16 blue print copy of the plat to be made of said lands, provided for in section 4,  
17 and said commissioner shall thereupon, file a certified copy of such report, to-  
18 gether with a blue print copy of the plat aforesaid, with the Auditor of the  
19 State where the same shall be kept as a part of the records and files of his office.  
20 The said report of said appraisers and the certified copy so filed with the State  
21 Auditor, shall also contain a list of the lessees of said common lands, holding  
22 or claiming to hold the same, and a list of the parties in possession of said lot  
23 or lots together with their post office addresses, and a brief description of the  
24 leases under which they claim to hold said lands.

Sec. 6. Upon the completion of the appraisement aforesaid, the commis-  
2 sioner appointed by this Act, shall give to the lessees and occupants of said  
3 common lands holding valid leases upon any portion of it, a written notice at  
4 their last known post office address, to the effect that within sixty days from  
5 the date of said notice they may purchase the lot or lots which they hold by  
6 lease, upon presenting to the commissioner sufficient evidence of their good  
7 title as such lessees, at the appraised value placed upon said lands by the ap-  
8 praisers, exclusive of improvements, by paying to said commissioner within  
9 that time, one-fourth of said appraised value in cash, and by securing the other  
10 three-fourths upon said lot or lots sought to be purchased, by giving a first  
11 mortgage thereon to secure payment of the balance in three equal payments



12 one to be made in three years and one in six years and the other in ten years  
 13 from the date of such purchase, said deferred payments to bear interest at the  
 14 rate of 5 per cent per annum payable semi-annually to said commissioner, or  
 15 after said commissioner has completed his work and made his final report as  
 16 herein provided, to the State Auditor.

Sec. 7. At the expiration of the said sixty days, the commissioner shall as  
 2 soon as it may be practical or expedient to do so, advertise all the lots not  
 3 taken or purchased by the lessees, for sale at public vendue to the highest and  
 4 best bidder upon the same terms provided in section 6 for the land to be sold  
 5 to lessees of the commons, by giving thirty days' notice of such sale and the time  
 6 and places thereof in three or more newspapers of general circulation as he may  
 7 think best and that will secure the greatest number of bidders, which said sale  
 8 shall be held upon said island: *Provided*, that all of said lots shall bring at  
 9 such public sale two-thirds of the appraised value thereof, including improve-  
 10 ments and if any one or more of said lots fail to bring such a price, the com-  
 11 missioner may postpone the sale of such lot or lots until such time as he may  
 12 be able either by public or private sale, to secure for said lots two-thirds of the  
 13 appraised value thereof, as aforesaid, provided that at no time shall said lots  
 14 be sold for less than said two-thirds of the appraised value unless on account of  
 15 some physical changes in the river or otherwise their value shall be changed  
 16 or it shall be found impossible by the commissioner, after repeated efforts to  
 17 sell the same, that such price cannot be obtained, whereupon the said com-  
 18 missioner may have said lands re-appraised as provided for in this Act and  
 19 may then proceed to sell them at either public or private sale, as he may deem  
 20 best, at two-thirds of their appraised value, including improvements, and pro-  
 21 vided further that at the public sale, each lot shall be sold separately unless  
 22 they are so situated that by putting up two or more lots together after havin-  
 23 first put them up separately, they would bring a better price.



Sec. 8. Until said sale is completed as provided for in this Act, the commissioner shall collect all the rents that may become due from time to time under the terms of any valid leases now outstanding on any of said common lands according to the tenor and effect thereof and shall see that all leases are enforced accordingly, except that in case of an overflow he may allow such rebates on the rents on overflowed lands as he may deem just and proper under all the circumstances; he shall also keep rented from year to year any of the unleased portion of said lands to the best possible advantage until said sale is completed, and all sales of lots not sold to the lessees thereof, shall be made subject to any valid lease that may be upon it, but said commissioner shall make no lease for a longer period than one year.

Sec. 9. Upon the sale of any of the lots or parcels of land as herein provided, and a full compliance with the terms of said sale by the purchaser, the said commissioner is hereby authorized to execute and deliver to each of said purchasers a title deed conveying to said purchaser a fee simple title to the lot or lots he so purchased, which shall be signed and executed by him as such commissioner and approved by the Governor of the State, and all notes and mortgages taken by him to secure deferred payments shall be taken in the name of and made payable to the People of the State of Illinois for the use of the inhabitants of the island of Kaskaskia, and until the said commissioner shall have made his final report as herein provided, all payments thereon shall be made to him, but after he shall have made his final report, as herein provided, then all payments thereon shall be made to the State Auditor who shall cancel the notes and turn the funds over to the State Treasurer, and should default be made on any of such notes or mortgages and it should be deemed advisable to foreclose the same, the said commissioner, if the same shall occur before his discharge, and if after, the State Auditor shall certify the same to the Attorney General who shall at once proceed to foreclose said mortgage or mortgages and the

18 State Auditor or the commissioner, as the case may be, is hereby authorized to  
19 purchase said lands at said foreclosure sale, if it is deemed necessary to protect  
20 the interest of the State, therein, and in case any of said lands shall revert back  
21 to the State thereby, then and in that case the said commissioner, or the State Au-  
22 ditor by and with the advice and consent of the Governor, shall re-sell such  
23 lands for such price and upon such terms as they may deem best to get the most  
24 out of them and to finally dispose of the same, and if this should be done after  
25 said commissioner has been discharged, then the State Auditor, with the ap-  
26 proval of the Governor shall make conveyance as herein provided for said  
27 commissioner.

Sec. 10. Any school buildings or other buildings used or intended for  
2 school purpose, or any other purposes, which said commissioner may find situ-  
3 ated upon common lands, or upon any other lot or lots upon said island which  
4 have been purchased or built in whole or in part by common funds, derived  
5 either directly or indirectly, from the rents of said common lands, said com-  
6 missioner shall take possession of the same, and if, in his judgment the same  
7 are so situated as to be of any use to any public school district upon said  
8 island for a school house, he is hereby authorized to deed the same to the legally  
9 constituted school authorities of said school district for school purposes. but  
10 if any of said property should not be so situated as to be of any use to any  
11 school district upon said island, then and in that case. said commissioner is  
12 hereby authorized to sell said buildings and lots upon such terms and con-  
13 ditions as he may deem best, provided the terms shall be no more liberal than  
14 the terms herein given on the common lands, and give title thereto, the same as  
15 he is hereby authorized to do with the common lands, and he shall place the  
16 proceeds of said sale with the common funds and account for it in the same  
17 manner as herein provided for the accounting of the common funds.

Sec. 11. Said commissioner shall keep a record book in which he shall keep  
 2 a complete record of all his acts and doings and the sales made by him showing  
 3 the appraisement of each lot, the lessee, and to whom sold, the price per acre  
 4 and payments, which, when said sale is completed, he shall file with his final  
 5 report to the Governor, and which if found correct by him, it shall then be-  
 6 come one of the records of the State Auditor's office and as such, a certified copy  
 7 of any of the matters and things contained therein, properly certified under the  
 8 seal of the Auditor's office, shall be received as evidence in any court in any  
 9 proceeding where the same may be necessary to be used.

Sec. 12. As soon as the sale of all said lands has been fully completed,  
 2 said commissioner shall make a full and final report of his acts and doings in  
 3 this regard, together with the total amounts of money, notes and mortgages  
 4 received by him and the total amount expended by items, to the Governor of  
 5 Illinois, and shall thereupon turn all moneys in his hands belonging to said  
 6 funds over to the State Treasurer of Illinois, who shall keep the same in a  
 7 separate fund designated as the "Kaskaskia Commons permanent school fund,"  
 8 and all notes, mortgages and securities held by him he shall turn over to the  
 9 State Auditor of Illinois for safe keeping; and if, upon an examination of his  
 10 report by the State Auditor and the Governor, it is found to be correct and  
 11 that he has fully carried out the provisions of this Act, then the Governor shall  
 12 approve said report, and the Auditor and State Treasurer shall fully receipt  
 13 him for the funds, securities and records, and he shall be fully and finally  
 14 discharged from any further duties or liabilities in this behalf.

Sec. 13. It is hereby made the duty of the State Treasurer and the State  
 2 Auditor, upon said commissioner making his final report, as herein provided,  
 3 to keep all the principal funds of said funds invested on good interest bear-



4 ing school, municipal, county or State bonds, or good first mortgages on real  
5 estate, so as to bring at least 5 per cent interest; said investments to be  
6 made by the State Treasurer by and with the approval of the State Auditor,  
7 who shall be keeper of said securities and the Auditor shall keep an accurate  
8 and correct record thereof, and the income derived therefrom shall be paid out  
9 by the State Treasurer upon warrants issued by the State Auditor for the sup-  
10 port of the schools upon the island of Kaskaskia, which said warrants shall  
11 be issued by the State Auditor upon certified, itemized bills to be sent to him  
12 and filed in his office from time to time by the president and secretary of  
13 the school directors or boards of education of the said island of Kaskaskia, and  
14 which money shall only be paid out for teachers' wages, repairs to school build-  
15 ings and grounds, and fuel, and the necessary apparatus for said schools, school  
16 library and school books for children who are unable to buy them, and such inci-  
17 dental expenses as may be necessary to the support and maintenance of said  
18 schools as may be determined from time to time by the boards of education or  
19 directors of the said island by proper resolutions adopted by them, a certified  
20 copy of which shall be filed with the Auditor by the president and clerk of said  
21 board or boards before he shall be authorized to voucher said bills.

Sec. 14. Upon the receipt of the funds and securities by the State Aud-  
2 itor and State Treasurer, the State Auditor shall each year, as is now pro-  
3 vided by law, apportion the income from said common fund to the various  
4 school districts upon said island, as is now provided by the general school  
5 laws of the State, with reference to the State school funds, and notify the  
6 boards of directors or boards of education on said island of the amount so  
7 apportioned to them and place the same to their credit, so that they may know  
8 what they may have at their disposal for the ensuing school year; and said  
9 school directors or boards of education shall not be allowed to draw upon  
10 the principal sum of said fund or to anticipate any of the income therefrom



11 but shall only be entitled to have their requisitions honored by the Auditor  
12 for the amount placed to their credit each year.

Sec. 15. Should the completion of the work herein required by the com-  
2 missioner herein appointed require more than a year, he shall report fully his  
3 acts and doings to the Governor on or before the first day of January of  
4 each year hereafter and shall report and turn over to the State Treasurer and  
5 State Auditor the interest collected by him each year on said funds, so the same  
6 may be distributed by the Auditor for school purposes upon the island, as here-  
7 in directed, and all other sums of money collected by him and not needed by him  
8 for the expenses provided for in this Act, and he shall also give bond, the ex-  
9 pense of which may be paid out of said funds, to the People of the State of Illi-  
10 nois for the faithful performance of his duties herein and the faithful accounting  
11 of all the money received during that time, in the sum of \$100,000.00, which bond  
12 shall be signed by one or more good and sufficient sureties or any approved  
13 surety company and be approved by the Governor and shall take an oath be-  
14 fore entering upon his duties, which shall be filed with the Governor, together  
15 with his bond, to faithfully discharge the duties herein imposed upon him; and  
16 he shall receive as his compensation for the performance of the duties herein  
17 provided, 6 per cent of the net amount of cash and mortgages realized from the  
18 sales of said lands and rents, and other funds he may collect, not including inter-  
19 est, after deducting all necessary and incidental expenses incident to the ap-  
20 praising and completion of said sale, and his necessary traveling expenses, and  
21 he is hereby authorized to employ such surveyors, clerks and appraisers as may  
22 be necessary from time to time to conduct and carry out the object of this Act  
23 at an expense not to exceed \$5.00 per day for each day each man is actually  
24 employed, and to take their receipts therefor and file with his report, and he  
25 shall in his report make a detailed statement of his own expenses.

Sec. 16. Should it become necessary for said commissioner to bring or  
2 defend any suits at law or in equity in any courts in order to carry out the  
3 object and purposes of this Act, the Attorney General shall furnish him with  
4 such legal counsel or assistance as he shall need from time to time.

Sec. 17. The Act entitled, "An Act to provide for leasing the lands  
2 granted as a common to the inhabitants of the town of Kaskaskia, in Ran-  
3 dolph county, or so much of said lands as it may be to the interest of the inhab-  
4 itants of said town to lease for school and other purposes," approved Janu-  
5 ary 23, 1851, is hereby repealed.

AMENDMENTS TO

46th Assem.      Senate Bill No. 159 in House      May 1909

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Adopted May 27, 1909.

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AMENDMENT NO. 8.

Sec. 1. Strike out "a" in 3rd line and substitute therefor the word "three" and add the letter "s" to the word commissioner in same line and the words "not more than two of whom shall be from the same political party." Also add letter "s" to commissioner in line 4. Strike out the words "he" and "his" in line 5 and substitute therefor the words "they" and "their."

AMENDMENT NO. 9.

Sec. 2. Add the letter "s" to the word commissioner in line 1.

AMENDMENT NO. 10.

Sec. 3. Add the letter "s" to the word commissioner in line 1. Strike out the words "he has" in line 2 and substitute the words "they have." Strike out the words "he deems" in line 18 and substitute the words "they deem." Add the letter "s" to the word commissioner in line 23.

## AMENDMENT NO. 11.

Sec. 4. Add the letter "s" to the word commissioner in line 1. Strike out the word "he" in line 8 and substitute the word "they."

## AMENDMENT NO. 12.

Sec. 5. Add the letter "s" to the word commissioner in line 2. Strike out all of line two after the word "shall." All of lines 3, 4, 5 and all of line 6 to the word "fairly." Strike out all of line 6 after the word "Act" and all of line 7 before the word "and." Also strike out the words "who" and "with him" in line 7. Strike out the words "appraisers jointly with said" in line 14 and add the letter "s" to the word commissioner in same line. Also strike out the words "and filed with said commissioner" in line 15. Add the letter "s" to the word commissioner in line 17.

## AMENDMENT NO. 13.

Sec. 6. Add the letter "s" to the word "commissioner" in line 2, also in line 6, also in line 8, also in lines 14 and 15.

## AMENDMENT NO. 14.

Sec. 7. Add the letter "s" to the word commissioner in line 1, also in line 11, also in lines 16 and 18. Strike out "he" in line 19 and substitute "they."

## AMENDMENT NO. 15.

Sec. 8. Add the letter "s" to the word commissioner in line 2. Strike out "he" in lines 5 and 6 and substitute "they." Also strike out the word "he" in line 7 and substitute "they." Add letter "s" to the word commissioner in line 10.



## AMENDMENT NO. 16.

Sec. 9. Add the letter "s" to the word commissioner and strike out "is" and substitute "are" in line 3. Strike out the word "him" in line 5, and substitute the word "them" and add letter "s" to the word commissioner in line 6. Strike out the word "him" in line 7 and substitute the word "them." Add the letter "s" to the word commissioner in line 9. Strike out the word "his" in line 10 and substitute the word "their." Strike out the word "him" in line 11 and substitute the word "them." Also the word "he" in line 11 and substitute the word "they," also the word "his" in line 11 and substitute the word "their." Add the letter "s" to the word commissioner in line 15. Strike out the word "his" in line 15 and substitute the word "their." Add the letter "s" to the word commissioner in lines 18, 21 and 27. And strike out "is" in line 18 and substitute "are" and strike out "has" in line 25, and substitute "have."

## AMENDMENT NO. 17.

Sec. 10. Add the letter "s" to the word commissioner in lines 2 and 6. Strike out the word "his" in line 6 and substitute the word "their." Strike out "he" in line 8 and substitute the word "they." Add the letter "s" to the word commissioner and strike out "is" and substitute "are" in line 11. Strike out the word "he" in line 13 and substitute the word "they." Strike out both words "he" in line 15 and substitute "they" in each place.

## AMENDMENT NO. 18.

Sec. 11. Strike out the word "he" in line 1 and substitute the word "they" and add the letter "s" to the word commissioner in same line. Strike out the words "his" and "him" in line 2 and substitute the words "their" and "them."

Strike out "he" and "his" in line 4 and substitute "they" and "their." Strike out "him" in line 5 and substitute "them."

#### AMENDMENT. NO. 19.

Sec. 12. Add the letter "s" to the word commissioner in line 2. Strike out "his" in line 2 and substitute "their." Strike out "him" in line 4 and substitute "them." Strike out "his" in line 5 and substitute "their." Strike out "him" and "he" in line 8 and substitute "them" and "they." Strike out "his" in line 9 and substitute "their." Strike out "he has" in line 11 and substitute "they have." Strike out "him" in line 13 and substitute "them." Also "he" in same line and substitute "they."

#### AMENDMENT. NO. 20.

Sec. 13. Add the letter "s" to the word commissioner in line 2. Strike out "his" in same line and substitute "their."

#### AMENDMENT. NO. 21.

Sec. 15. Add the letter "s" to the word commissioner in line 2. Strike out "he" and "his" in same line and substitute "they" and "their." Strike out "him" in line 5 and substitute "them." Strike out both words "him" in line 7 and substitute "them" in each instance. Strike out "he" in line 8 and substitute "they." Also insert after the word "also" in same line the word "each." Strike out the word "his" in line 10 and substitute the the words "their respective." Strike out the figures "100,000.00" in line 11 and substitute "30,000.00" each. Strike out the word "he" in line 16 and substitute the word "they." also strike out "his" in same line and substitute "their." Also strike out "he" in line 18 and substitute "they." Strike out the word "his" in line 20 and substitute the word "their."

After the word "expenses" in line 200 add the words "which commission shall be divided equally between them." Strike out "he is" in line 21 and substitute "they are." Strike out "his" and "he" in line 24 and substitute the words "their" and "they." Also strike out both words "his" in line 25 and substitute "their" in both places.

#### AMENDMENT. NO. 22.

Sec. 16. Add the letter "s" to the word commissioner in line 1. Strike out "him" in line 3 and substitute "them." Strike out "he" in line 4 and substitute "they."





- 1   Reported from Senate, April 27, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to prohibit the sale of mixed or blended or adulterated grades of coal and providing a penalty for the violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* It shall be unlawful for any person, firm or corporation to sell, or offer for sale, or to have in possession for the purpose of sale, any mixed, blended or adulterated coal, produced by the mixing or blending of coal commonly called anthracite with bituminous coal, or of coal of a certain quality with coal of another and different quality, or with any inferior substance or material in such a manner as would be calculated or liable to deceive a person as to the real quality of such coal, so sold, or offered for sale, or in possession for the purpose of sale: *Provided*, the foregoing shall not apply to the natural mixture of coal and materials as it is mined or to the mixture of different sizes of coal of the same quality.

Sec. 2. Every person, firm or corporation upon conviction for violation of  
2 the foregoing Act shall be guilty of a misdemeanor, and shall be fined not  
3 less than \$20.00 nor more than \$200.00 for each and every offense.

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- 1   Reported from Senate May 26, 1909.   •
  - 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections one (1) and three (3) of an Act entitled “An Act to secure the enforcement of the law for prevention of cruelty to animals,” approved May 25, 1877, in force July 1, 1877; said section one (1) as amended by Act approved June 30, 1885, in force July 1, 1885; as amended by Act approved May 11, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That sections one (1) and three (3) of an Act  
3 entitled “An Act to secure the enforcement of the law for prevention of cruelty  
4 to animals,” approved May 25, 1877, in force July 1, 1877; said section one (1)  
5 as amended by Act approved June 30, 1885, in force July 1, 1885; as amended  
6 by Act approved May 11, 1905, in force July 1, 1905, be amended so as to read  
7 as follows:

8        Sec. 1. That it is hereby made the duty of the Governor to appoint, by  
9 and with the consent of the Senate, *two officers* for the town of Lake, Cook  
10 county, and two officers for East St. Louis, St. Clair county, and one officer  
11 for the city of Peoria, Peoria county, whose term of office shall be two years  
12 respectively, or until a successor to such officer shall be appointed and qualified,  
13 and the duty of each officer so appointed shall be to cause the enforcement of  
14 the law for the prevention of cruelty to animals.

15        Sec. 3. Said officers shall *be under the direction and control of the Board*  
16 *of Live Stock Commissioners, and* shall make full reports of their proceedings  
17 quarterly to *said board*.



- 1 Reported from Senate, April 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the purchase of a safe for the Insurance Department,  
and making an appropriation therefore.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be and is hereby appropriated to the  
3 Insurance Superintendent for the purchase of a safe for use in the Insurance  
4 Department the sum of \$1,900.00, or such part thereof as may be necessary for  
5 such purpose.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrant for the sum hereby appropriated upon presentation of a  
3 proper voucher, certified to by the Insurance Superintendent, and approved by  
4 the Governor.

Sec. 3. WHEREAS, an emergency exists this Act shall be in force and effect  
2 from and after its passage.



- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled, "An Act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in this State and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal an Act entitled, 'An Act to prevent unjust discrimination and extortions in the rates to be charged by the different railroads in this State for the transportation of freights on said roads,' approved April 7, A. D. 1871," approved May 2, 1873, in force July 1, 1873, by adding thereto six new sections to be known as sections 8a, 8b, 8c, 8d, 8e and 8f.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled, "An Act to prevent extortion  
3 and unjust discrimination in the rates charged for the transportation of pas

4 sengers and freights on railroads in this State and to punish the same, and pre-  
5 scribe a mode of procedure and rules of evidence in relation thereto, and to  
6 repeal an Act entitled 'An Act to prevent unjust discriminations and extortions  
7 in the rates to be charged by the different railroads in this State for the trans-  
8 portation of freights on said roads,' approved April 7, A. D. 1871," approved  
9 May 2, 1873, in force July 1, 1873, be and the same is hereby amended by  
10 adding thereto six new sections to be known as 8a, 8b, 8c, 8d, 8e, and 8f, to read  
11 as follows:

12       Sec. 8a. All railroad companies doing business in this State shall, upon  
13 the demand of any person or persons interested, establish reasonable joint  
14 through rates for the transportation of freight between points on their re-  
15 spective lines within this State. When shipment of freight to be transported  
16 between different points within this State, are required to be carried by two or  
17 more railroad companies operating connecting lines, such railroad companies  
18 shall transport the same at reasonable through rates.

19       Sec. 8b. The Railroad and Warehouse Commission are hereby authorized  
20 and directed, upon the application by petition in writing of any person or per-  
21 sons interested, to establish through routes and reasonable maximum joint rates  
22 of charges for shipment of freight and cars over two or more connecting lines  
23 of railroad in this State, and the terms and conditions under which such  
24 through routes shall be operated, when the carriers complained of having re-  
25 fused or neglected to voluntarily establish such through routes and joint  
26 rates: *Provided, however,* that no such through routes and joint rates shall be  
27 established where the commission shall find that a reasonable and satisfactory  
28 through route and joint rate exists: *And, provided, further,* that before any  
29 order shall be made by said commission, respecting such through routes and  
30 joint rates, said commission shall give the company or companies affected



31 thereby no less than twenty days' written notice of the time and place when  
32 said petition shall be considered; and said company or companies shall be en-  
33 titled to a hearing at the time and place specified in such notice, and shall have  
34 process to enforce the attendance of witnesses. All process herein provided  
35 for shall be served as in civil actions. The reasonable maximum joint rates of  
36 charges established by said commission shall not go into effect before the expira-  
37 tion of thirty (30) days from the date of the entry of the order of said commis-  
38 sion fixing such reasonable maximum joint rates of charges, and from and after  
39 such time the schedule of such reasonable maximum joint rates of charges  
40 shall be deemed and taken in all courts of this State as *prima facie* evidence  
41 that the rates therein fixed are reasonable maximum rates of charges for the  
42 transportation of freight and cars over and upon the through routes that  
43 shall be thus established and over, and upon the railroads for which such  
44 through routes and joint rates shall have been respectively established.

45 Sec. 8c. In the event of the failure of said railroad companies to agree  
46 upon a division of such joint through rates the Railroad and Warehouse Com-  
47 mission shall, after a hearing of the companies interested, decide the same,  
48 taking into consideration the value of terminal facilities and all the circum-  
49 stances of the haul; and the decision so determined by the said commission  
50 shall, in all controversies or suits between railroad companies interested, be  
51 *prima facie* evidence of a just and reasonable division of such charge.

52 Sec. 8d. Such commission shall, as soon as any such joint rate, or any  
53 division thereof, is determined by it, furnish each railroad company affected  
54 thereby with a certified copy of its order respecting same, in suitable form,  
55 showing such joint rate, or the division thereof, as the case may be, to be de-  
56 livered to each such carrier, by depositing the same in the United States post-

57 office, in a duly stamped and addressed envelope, directed to some officer or  
58 agent of the carrier in this State.

59       Sec. 8e. Any carrier, or other party, dissatisfied with any order estab-  
60 lishing through routes and joint rates made by the commission may, within  
61 thirty (30) days after the entry thereof, begin a suit in chancery against the  
62 commission in the circuit court of Sangamon county, to suspend or set aside  
63 any such order. Any party to any final judgment to such circuit court in any  
64 proceeding by or against such commission may prosecute an appeal therefrom  
65 to the Supreme Court of this State in the manner now provided by law in civil  
66 cases. In all suits in the courts of this State, authorized by this Act, the rules  
67 of evidence shall be the same as in the trial of civil cases as now provided by  
68 law. All such courts as shall obtain jurisdiction of any such suit in which the  
69 said commission is a party shall speedily hear and determine the same, to the  
70 end that the public interests shall not suffer: *Provided*, that no court shall  
71 issue any restraining order against the commission until reasonable notice of  
72 the application therefor has been given and a hearing has been had. And, in  
73 case the commission is entitled in any cause to a restraining order, the same  
74 shall be issued by such court without requiring bonds or surety from such com-  
75 mission. In case such court shall, by its order, pending final hearing, suspend  
76 the operation of any such joint rates established by the commission, it shall  
77 in its order require that the complainant carrier or carriers shall give bond,  
78 with satisfactory sureties, to refund to all shippers on all shipments made  
79 pending such litigation, the difference between the rates that shall have been  
80 charged and the said joint rates, if the same shall be finally sustained by the  
81 court.

82       Sec. 8f. Every unjust and unreasonable charge for the transportation of  
83 freight and cars over two or more railroads in this State is hereby prohibited  
84 and declared to be unlawful; and each and every one of the companies making

85 such unreasonable and unlawful charges or otherwise violating the provisions  
86 of this Act, shall be punished, as provided in sections 4 and 5 of this Act, for  
87 the making of unreasonable charges for the transportation of freight and cars  
88 over a single line of railroad by a single railroad company.





1. Reported from Senate, April 29, 1909

2. Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to render valid the ascertainment heretofore made by any of the probate courts of this State and declaring the heirship of deceased persons, and authorizing such courts hereafter to ascertain and declare such heirship and for other purposes relating thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That where heretofore any courts of this State having and exercising probate jurisdiction, who may have during the progress or pending of the administration of an estate, or when administration was found either not required or necessary, or was not granted, ascertained, and by their judgment order entered of record therein, declared the heirship of any deceased person, then such ascertainment and declaring the heirship is hereby validated.

Sec. 2. That all courts of this State, having and exercising probate jurisdiction, are hereby declared authorized and jurisdiction is hereby given to them, at any time during the progress or pendency of the administration of the estate of any deceased person, or prior to the probate of any will, without further notice; or if there is no grant of administration, then upon such notice given to all whom it may concern, in such manner as the court may direct, to ascertain, and by their finding and order to be entered of record in the court, declare the heirship of any such deceased person. The evidence upon which such finding is made shall be reduced to writing, either in narrative form or by questions and answers, and certified by the court, and shall be filed by the clerk of said court and remain as a part of the files in said cause.

Sec. 3. That such orders of the court, declaring such heirship, whether heretofore or hereafter made, shall be deemed and taken as *prima facie* evidence of such heirship: *Provided*, that any other legal mode of proving such heirship may be resorted to in any place or court where the question may arise by any party interested therein.

- 1 Reported from Senate, April 9, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to render valid all conveyances or other instruments affecting or relating to the title to real or personal property within this State, and instruments or writings relating to any obligation enforceable in this State, executed without this State, to which a seal or scroll is not affixed, and for other purposes relating thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all conveyances, writings or other instruments, whether a deed, mortgage, trust deed, lease, power or letter of attorney, will or testament, bond, contract, agreement, obligation or other instrument of whatsoever kind, nature or character, affecting or relating to the title to real or personal property within this State, or of any power, duty, right or trust thereof or therein, and also all instruments or writings of whatsoever nature, kind or character enforceable in this State, that may have been heretofore or that shall hereafter be executed without this State, by any party thereto,

10 whether a resident of this State or not, to which a seal or scroll to the sig-  
11 nature is not affixed, and where the usage or law of the State, district, terri-  
12 tory, colony, republic, kingdom, empire, dominion, dependency or other place  
13 where such instrument is executed, in force at the time, dispenses with or does  
14 not require a seal or scroll to the signature of a party so executing the con-  
15 veyance, instrument or writing, for its validity as such, are hereby validated,  
16 and shall be given the same force and effect in law and equity as if a seal or  
17 scroll had been duly affixed to the signature thereto.

Sec. 2. That the certificate of the Secretary of State, under his seal of  
2 office, or that of any court of record, certified to under the seal of the court,  
3 or that of any judge of any court of record (his official character being duly  
4 certified to), of the country or other place, outside of this State, where such  
5 conveyance, writing or other instrument shall have been executed, to the pur-  
6 port or effect that according to the usage or law of the land in force at the  
7 time (as the case may be), a seal or scroll to the signature of a party so  
8 executing the same, was dispensed with or not required for its validity, shall  
9 be deemed and taken as *prima facie* evidence thereof: *Provided*, that any  
10 other legal mode of proving that the seal or scroll to the signature was at  
11 the time there, by the usage or law, dispensed with or not required, may be  
12 resorted to in any place or court of this State where the question may arise.



**AMENDMENT TO**

**46th Assem.      Senate Bill No. 174 in House      May 1909**

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Adopted May 18, 1909.

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**AMENDMENT NO. 1.**

Amend Senate Bill No. 174 by inserting after the word "State" in line three (3) of the title the following: "that may have been heretofore or that shall hereafter be."



- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act entitled "An Act in relation to fire insurance."

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That if buildings insured against loss by fire, and  
3 situated within this State are totally destroyed by fire, the company shall not  
4 be liable beyond the actual value of the insured property at the time of the  
5 loss or damage; and if it shall appear that the insured has paid premiums  
6 on an amount in excess of said actual value, the assured shall be reimbursed  
7 the proportionate excess of premiums paid on the difference between the  
8 amount named in the policy and said actual value, with interest at six per  
9 cent per annum from the date of issue; and said excess of premiums and in-  
0 terest thereon shall be allowed the insured from the time any company or com-  
1 panies carrying said insurance at the time of the loss have continuously carried  
2 the insurance on the destroyed building or buildings, whether under policies

13 existing at the time of the loss or under previous policies in the same company  
14 or companies.

Sec. 2. Be it further enacted that a fire insurance-policy, in case of a total  
2 loss by fire of the property insured, shall be held and considered a liquidated  
3 demand against the company taking such risk, for the full amount stated in  
4 such policy, or the full amount upon which the company charges, collects or  
5 receives a premium: *Provided*, that if the insurance company or companies  
6 which become liable for loss of property totally destroyed by fire, as provided  
7 herein, deny the value of the property destroyed was equal to the value ex-  
8 pressed in the policy, the burden of proof shall be upon said company or com-  
9 panies to maintain such denial: *And, provided, further*, that the provision of  
10 this Act shall not apply to personal property.



- 1    Reported from Senate March 2, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 1 of an Act entitled "An Act to divide the State of Illinois, exclusive of the county of Cook, into judicial circuits," approved April 23, 1897, in force July 1, 1897.

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- SECTION 1. *Be it enacted by the People of the State of Illinois represented*
- 2 *in the General Assembly:* That section 1 of an Act entitled "An Act to divide
  - 3 the State of Illinois, exclusive of the county of Cook, into judicial circuits,"
  - 4 approved April 23, 1897, in force July 1, 1897, be amended to read as follows:
  - 5     First Circuit--The counties of Massac, Johnson, Pope, Hardin, Gallatin,
  - 6 Saline, Hamilton, White and Edwards.
  - 7     Second Circuit The counties of Alexander, Pulaski, Union, Williamson
  - 8 and Franklin.
  - 9     Third Circuit--The counties of Jackson, Randolph, Perry, Washington,
  - 10 Jefferson and Monroe.
  - 11     Fourth Circuit--The counties of St. Clair, Madison and Bond.

12 Fifth Circuit—The counties of Clinton, Marion, Clay, Effingham, Fayette,  
13 Montgomery, Shelby and Christian.

14 Sixth Circuit—The counties of Wayne, Richland, Wabash, Lawrence, Craw-  
15 ford, Jasper and Cumberland.

16 Seventh Circuit—The counties of Jersey, Greene, Macoupin, Morgan and  
17 Sangamon.

18 Eighth Circuit—The counties of Coles, Clark, Edgar and Vermilion.

19 Ninth Circuit—The counties of Moultrie, Douglas, Champaign, Piatt,  
20 Macon and DeWitt.

21 Tenth Circuit The counties of Logan, McLean, Woodford and Liv-  
22 ington.

23 Eleventh Circuit—The counties of Calhoun, Pike, Adams, Brown, Schuyler.  
24 Cass, Menard, Mason and Scott.

25 Twelfth Circuit The counties of Hancock, McDonough, Fulton, Knox and  
26 Warren.

27 Thirteenth Circuit—The counties of Tazewell, Peoria, Stark and Marshall.

28 Fourteenth Circuit—The counties of Henderson, Mercer and Rock Island.

29 Fifteenth Circuit—The counties of Henry, Putnam, Bureau and Whiteside.

30 Sixteenth Circuit—The counties of LaSalle and Grundy.

31 Seventeenth Circuit—The counties of Kankakee, Iroquois and Ford.

32 Eighteenth Circuit—The counties of Lee, Ogle, Carroll, Jo Daviess and  
33 Stephenson.

34 Nineteenth Circuit—The counties of Kane, DeKalb and Kendall.

35 Twentieth Circuit—The counties of Will and DuPage.

36 Twenty-first Circuit The counties of Winnebago, Boone, McHenry and  
37 Lake.

HOUSE AMENDMENTS TO

46th Assem.

SENATE—No. 176

Mar. 1909

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1 Offered by Mr. Brownback, March 11, 1909.

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Amend Senate Bill No. 176 by striking out all after the enacting clause and  
2 inserting in lieu thereof the following:

3 First Circuit—The counties of Massac, Johnson, Williamson, Saline, Gal-  
4 latin, Hardin and Pope.

5 Second Circuit—The counties of Franklin, Jefferson, Wayne, Hamilton,  
6 White, Edwards and Wabash.

7 Third Circuit—The counties of Alexander, Pulaski, Union, Jackson, Perry  
8 and Randolph.

9 Fourth Circuit—The counties of St. Clair, Monroe and Washington.

10 Fifth Circuit—The counties of Clinton, Marion, Clay, Richland, Lawrence,  
11 Jasper, Effingham and Crawford.

12 Sixth Circuit—The counties of Madison, Bond, Macoupin and Fayette.

13 Seventh Circuit—The counties of Montgomery, Christian, Shelby and Ma-  
14 con.

15 Eighth Circuit—The counties of Jersey, Greene, Scott, Morgan and Sanga-  
16 mon.

17 Ninth Circuit—The counties of Adams, Pike, Calhoun, Brown, Schuyler,  
18 Cass, Mason and Menard.

19 Tenth Circuit—The counties of DeWitt, Piatt, Moultrie, Douglas and  
20 Champaign.

21 Eleventh Circuit—The counties of Vermilion, Edgar, Coles, Clark and Cum-  
22 berland.

23 Twelfth Circuit—The counties of Logan, McLean, Woodford and Livings-  
24 ton.

25 Thirteenth Circuit—The counties of Peoria, Tazewell, Stark and Marshall.

26 Fourteenth Circuit—The counties of Fulton, Knox, Warren, McDonough  
27 and Hancock.

28 Fifteenth Circuit—The counties of Kankakee, Iroquois and Ford.

29 Sixteenth Circuit—The counties of Rock Island, Mercer and Henderson.

30 Seventeenth Circuit—The counties of Henry, Bureau, Whiteside and Put-  
31 nam.

32 Eighteenth Circuit—The counties of LaSalle and Grundy.

33 Nineteenth Circuit—The counties of DeKalb, Kane and Kendall.

34 Twentieth Circuit—The counties of Stephenson, JoDaviess, Carroll, Ogle  
35 and Lee.

36 Twenty-first Circuit—The counties of Lake, McHenry, Boone and Winne-  
37 bago.

38 Twenty-second Circuit—The counties of DuPage and Will.

Sec 2. ELECTION OF JUDGES.] On the first Monday of June, A. D. 1909,  
2 there shall be elected in each of said circuits by the electors thereof, by the  
3 general ticket as provided by law for general elections, three judges of the  
4 circuit court, whose term of office shall be six years; and every six years there-  
5 after there shall in like manner be elected in each of said circuits, three judges  
6 of the circuit court, whose term of office shall be as aforesaid.



Sec. 3. TERMS OF OFFICE.] The terms of the circuit court in the respective  
2 counties shall be held at the times and places now provided, or which may  
3 hereafter be provided by law.

Sec. 4. REPEAL.] All Acts and parts of Acts inconsistent with the pro-  
2 visions of this Act are hereby repealed.



- 1    Reported from Senate, April 15, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 3, 4 and 8, of an Act entitled, "An Act to provide for the creation of pleasure driveway and park districts," approved June 19, 1893, in force July 1, 1893; as amended by Act approved June 17, 1895, in force July 1, 1895.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 3, 4 and 8 of an Act entitled, "An Act to provide for the creation of pleasure driveways and park districts," approved June 19, 1893, in force July 1, 1893; as amended June 17, 1895, in force July 1, 1895, be amended so as to read as follows:

Sec. 3. In each pleasure driveway and park district organized under this Act, there shall be elected seven trustees who shall be legal voters and reside within said district, who shall hold their office for the term of six years and until their successors are elected and qualified, which elections shall be con-

ducted as other elections except that in cities, villages and incorporated towns in said district, having an election commission, elections shall be conducted in such cities, villages and incorporated towns in the same manner as special elections are to be held under the Act creating such election commission or board, the qualification of voters to be the same as there required in special elections.

*Provided*, that at the first election of trustees held in any district, organized under this amended Act two of the trustees shall be elected for the term of two years only, when two new trustees may be elected to succeed the two whose term of office shall then expire, and the two so elected shall hold their office for six years and until their successors are elected and qualified; and two shall be elected for the term of four years only when two new trustees may be elected to succeed the two whose term of office shall then expire, and the two so elected shall hold their office for six years and until their successors are elected and qualified, and three shall be elected for the term of six years and until their successors are elected and qualified, and at the first election held for trustees in any district organized under this Act, the voters shall designate on their ballots two persons for trustees for two years and two persons for trustees for four years and three persons for trustees for six years and the trustees when so elected shall meet at some convenient place within said district within two weeks from said election and organize by electing a president, vice president from amongst their number, and a secretary and treasurer, the term of whose office shall not be longer than one year, both the secretary and treasurer shall each give bond in such sum as the board of trustees may require and all of said officers shall perform such duties as shall be required of them by said board of trustees, the president and vice president, however, not to be deprived of their right and duty to vote and act as trustees; and such pleasure driveway and park district shall from the time of the first election held



38 by it under this Act, be construed in law and equity a body corporate and politic,  
39 by the name and style of the pleasure driveway and park district of .....  
40 and by said name and style may sue and be sued, contract and be contracted  
41 with, acquire and hold real estate and personal property necessary for all cor-  
42 porate purposes and adopt a common seal and alter the same at pleasure:  
43 *Provided, further,* that in all districts already created and organized under the  
44 original Act to which this is an amendment, in all elections occurring after this  
45 amendatory Act shall go in force, the office of president of said district shall  
46 cease and there shall be elected at such election four trustees, two of whom  
47 shall be elected for the term of three years only when two new trustees may  
48 be elected to succeed the two whose term of office shall then expire, and the two  
49 so elected shall hold their office for six years and until their successors are  
50 elected and qualified, and two shall be elected for the term of five years only  
51 when two new trustees may be elected to succeed the two whose term of office  
52 shall then expire, and the two so elected shall hold their office for six years and  
53 until their successors are elected and qualified, and when the term of the three  
54 trustees whose term would not expire under the Act to which this is an amend-  
55 ment, shall expire under the terms of that Act, three new trustees shall be  
56 elected to hold for the term of six years when three new trustees may be elected  
57 to succeed the three whose term of office shall then expire, and three so elected  
58 shall hold their office for the term of six years and until their successors are  
59 elected and qualified, and at the first election under this amendatory Act held  
60 for trustees in districts heretofore organized and in existence under the original  
61 Act, to which this is an amendment, the voters shall designate on their ballots  
62 two persons for trustees for three years and two persons for trustees for five  
63 years and the trustees elected at the first election under this amendatory Act,  
64 shall, after their election, meet with the three hold over trustees and proceed  
65 to the election of a president, vice president from their own number and a

66 secretary and treasurer, who shall hold their respective offices for the term of  
67 one year and the two latter shall each give bond in such sum as the trustees  
68 may require and all said officers shall perform such duties as shall be required  
69 of them by said board of trustees, the president and vice president, however,  
70 not to be deprived of their right and duty to vote and act as trustees.

71       Sec. 4. The trustees elected in pursuance of the foregoing pro-  
72 visions of this Act, shall constitute a board of trustees for the dis-  
73 trict by which they are elected, which board of trustees is hereby declared  
74 to be the corporate authority of such pleasure driveway and park district, and  
75 shall exercise all the powers and manage and control all the officers and  
76 property of such district and may, in addition to the officers above men-  
77 tioned, employ a chief engineer and attorney for such municipality who  
78 shall hold their respective offices during the pleasure of the board, and shall  
79 give such bond as may be required by said board, and said board may, by ordi-  
80 nance or resolution, prescribe the duties and fix the compensation of all of-  
81 ficers and employes of said pleasure driveway and park district: *Provided,*  
82 *however,* that the said board of trustees or the president or vice president  
83 thereof shall receive no compensation as such, and said president and board  
84 of trustees shall have full power to pass all necessary ordinances, rules and  
85 regulations for the proper management and conduct of the business of said  
86 board of trustees and of said corporation and for carrying into effect the  
87 objects for which such pleasure driveway and park district is formed.

88       Sec. 8. Such pleasure driveway and park district created under this Act, shall  
89 have power to acquire, by gift, grant, devise or purchase, or by condemnation  
90 under the Act of eminent domain, any or all grounds or land necessary for build-  
91 ing, laying out and maintaining any such pleasure driveways, boulevards and  
92 parks as such board of trustees may deem proper and shall also have the

93 power to raise money by general taxation for the purpose of acquiring the  
94 right of way for laying out, building and maintaining any such driveways,  
95 boulevards and parks, and may, by general taxation, raise sufficient money  
96 to pay all necessary expenses incurred by said board for engineer and attorney  
97 services and for the purpose of keeping in repair, and paying policemen, or  
98 other persons necessarily employed to guard, protect and maintain any such  
99 pleasure driveways, boulevards and parks within said district; and power is  
100 also hereby conferred upon said pleasure driveway and park district to borrow  
101 money on the credit of the district and issue bonds therefor in such amounts  
102 and on such conditions as it shall prescribe for the payment of land condemned  
103 or purchased for parks, boulevards, and pleasure driveways, for the building,  
104 maintaining and improving the same, and for the payment of expenses incident  
105 thereto; but said district shall not, unless authorized by a vote of the electors  
106 of such districts as hereinafter provided, become indebted in any manner, nor  
107 for any purpose, to any amount including existing indebtedness, in the aggregate  
108 to exceed two and one-half ( $2\frac{1}{2}$ ) per centum of the value of taxable property  
109 therein, to be ascertained by the equalized assessments for the State and  
110 county taxes, for the previous year, but the said board of trustees may at any  
111 election in said district at which members of said board are voted for, also sub-  
112 mit to the electors of said district the question of incurring a larger amount  
113 of indebtedness and issuing bonds therefor; and in that case the amount of  
114 indebtedness to be incurred and the bonds to be issued shall be plainly printed  
115 on the ballots, and the ballots prepared for the voters at any election upon  
116 the question of such increase of indebtedness or bond issue shall conform to  
117 the requirements of law for submitting amendments to the constitution. If  
118 a majority of the electors voting at such election shall vote for the incurring  
119 of such increase of indebtedness or bond issue the same shall thereby be fully  
120 authorized; but such further increase of indebtedness or the issuing of bonds



121 shall in no case exceed, including existing indebtedness, the sum of five (5) per  
122 centum on the value of taxable property therein, to be ascertained by the last  
123 equalized assessment for State and county taxes previous to the borrowing  
124 of such money and issuing such bonds; and before or at the time of issuing  
125 such bonds, said board shall provide for the collection of an annual tax, suffi-  
126 cient to pay the interest on such bonds as it falls due, and also to pay and  
127 discharge the principal thereof within twenty (20) years from the date of  
128 issuing such bonds.

129 All general taxes proposed by said board of trustees to be levied upon the  
130 taxable property within said district shall be levied at the same time and in the  
131 same manner as taxes are now levied for city and village purposes under the  
132 laws of this State: *Provided*, the aggregate amount of taxes levied for any one  
133 year, exclusive of the amount levied for the payment of the interest on the  
134 bonded indebtedness shall not exceed the rate of six (6) mills per centum upon  
135 the aggregate valuation of property within such district subject to taxation,  
136 therein as the same was equalized for State and county taxes for the previous  
137 year. All moneys when collected under any of the provisions of this Act shall  
138 be paid to the treasurer of said board of trustees for said district.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take effect  
2 and be in force from and after its passage.



- 1   Reported from Senate March 18, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 3 of article II of "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903; as amended by Act approved May 28, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of article II of "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903; as amended by Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

Sec. 3. The Adjutant General shall issue and transmit all orders of the Commander-in-Chief with reference to the militia, military and naval organizations of the State, and shall keep a record of all officers commissioned by the

10 Governor and all general and special orders and regulations and all such mat-  
 11 ters as pertain to the organization of the State militia, the Illinois National  
 12 Guard and the Illinois Naval Reserve, and perform the duties of the Adjutant  
 13 General, Quartermaster General, Commissary General and Chief of Ordnance.  
 14 He shall have charge of the State armory, arsenal and arsenal grounds, and all  
 15 military camps, rifle ranges and armories, and shall receive and issue all ord-  
 16 nance and ordnance stores, clothing, camp and garrison equipage, subsistence  
 17 stores and all other public property pertaining to the military and naval forces  
 18 of the State, on the order of the Commander-in-Chief.

19 The Adjutant General shall receive for his services the sum of \$3,500 per  
 20 annum. *Before entering upon the duties of his office the Adjutant General*  
 21 *shall execute a bond to the People of the State of Illinois in a sum to be fixed*  
 22 *and the bond to be approved by the Governor, and conditioned upon the faith-*  
 23 *ful performance of the duties of his office and filed in the office of the Secre-*  
 24 *tary of State.* The Assistant Adjutant General shall receive for his services  
 25 the sum of \$2,000 per annum. The Adjutant General may appoint, with the ap-  
 26 proval of the Governor, an ordnance sergeant for permanent duty at the  
 27 arsenal at a salary not exceeding \$800.00 per annum. The Adjutant General  
 28 shall have charge of and carefully preserve the colors, flags, guidons and mili-  
 29 tary trophies of war belonging to the State, and shall not allow the same to  
 30 be loaned out or removed from their proper place of deposit. He shall fur-  
 31 nish, at the expense of the State, blanks and forms, and such military and naval  
 32 instruction books as shall be approved by the Commander-in-Chief. He shall  
 33 also, on or before the first day of October next preceding the regular session  
 34 of the General Assembly, make out a full and detailed report of all the transac-  
 35 tions of his office, with the receipts and expenditures of the same for the pre-  
 36 ceding two years. In preparing his account of the money paid out and ex-  
 37 pended, he will group the expenditures made from each separate appropria-  
 38 tion under the following subheads or titles:

## NATIONAL GUARD.

1. Armory rent, fuel, light, janitor, etc.
2. Camp and garrison equipage, clothing and equipments.
3. Pay of officers and troops for camp duty and other duties ordered by the Commander-in-Chief.
4. Transportation of officers and troops.
5. Subsistence of troops at each camp of instruction, practice march, or other duty ordered by the Commander-in-Chief.
6. Horse hire and forage.
7. Rifle practice, including all expenses connected therewith, except pay of officers and enlisted men and civilian employees.
8. Pay of permanent salaried officers, clerks, enlisted men and civil employees.
9. Miscellaneous expenses.
10. Total expenditures.

## NAVAL RESERVE.

1. Armory rent, light, fuel, janitor, etc.
2. Camp and garrison equipage, clothing, equipments, tools and instruments.
3. Pay of officers and men for camp or cruise duty, and other duties ordered by the Commander-in-Chief.
4. Transportation of officers and men.
5. Subsistence of officers and men at each camp of instruction or practice cruise, or other duty ordered by the Commander-in-Chief.
6. Dockage and repairs.
7. Gun and small arms practice, and expenses immediately pertaining thereto.

66        8. Pay of permanent salaried officers, clerks, enlisted men and civil em-  
67 ployes.

68        9. Steam engineering department.

69        10. Miscellaneous expenses.

70        11. Total expenditures.

71        The Adjutant General shall also report the total unexpended balance of  
72 appropriation on hand, and shall also report upon such other matters at such  
73 times as shall be required by the Governor.

74        The Adjutant General and Assistant Adjutant General shall each reside at  
75 the State capital and hold their respective offices during the pleasure of the  
76 Governor.



- 1 Reported from Senate March 24, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903; as amended by an Act approved May 28, 1907, in force July 1, 1907, by adding thereto a new section to be known as section 16a.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903; as amended by an Act approved May 28, 1907, in force July 1, 1907, be amended by adding one new section to be known as section 16a, to read as follows:

7      Sec. 16a. *Before entering upon his official duties the State Game Commis-*  
8 *sioner shall execute a bond to the People of the State of Illinois in a sum to be*

9 *fixed by the Governor, conditioned upon the faithful performance of the duties*  
10 *of his office. The bond shall be approved by the Governor and then filed in*  
11 *the office of the Secretary of State.*

## AMENDMENTS TO

46th Assem. Senate Bill No. 187 in House

May 1909

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Adopted May 28, 1909.

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### AMENDMENT NO. 1.

Amend the title of Senate Bill No. 187 in the House, so as to read as follows:  
“A Bill for an Act to amend section 23 of an Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,’ approved April 28, 1903, in force July 1, 1903; as amended by Act approved May 18, 1905, in force July 1, 1905; as amended by Act approved May 28, 1907, in force July 1, 1907, and also to amend such Act by adding thereto a new section, to be known as section 16a.”

### AMENDMENT NO. 3.

Insert in said bill, following line 11 of the printed bill:

Sec. 23. Said State Game Commissioner shall make an annual report to the Governor, which shall contain the reports of the game warden and deputy game wardens, showing the number and kind of game, deer, wild fowl and birds seized and what disposition was made of them, and the amount of proceeds of sale. Said report shall also contain a statement of all moneys received from all sources and a statement of all disbursements of every kind. It shall also contain a statement showing how much money has been received for hunters' licenses in each county; also a statement showing the amount of fines and penalties recovered in each

county. It shall also contain a statement giving the name and address by counties of each deputy game warden and the amount of salary and expenses drawn by each. The State Game Commissioner shall have five thousand copies of such report printed, a copy of which shall be sent by him to each county clerk in the State, one to each member of the General Assembly, and the remainder shall be for general distribution. The cost of printing said report shall be paid out of the State game protection fund.

#### AMENDMENT NO. 5.

Amend Senate Bill No. 187 by striking out, in section 1, all after the word "assembly" and insert in lieu thereof the following:

"That section 23 of 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' approved April 18, 1903, in force July 1, 1903; as amended by Act approved May 18, 1905, in force July 1, 1905; as amended by Act approved May 28, 1907, in force July 1, 1907, be amended as hereinafter set forth; and also that said Act be amended by adding thereto a new section, to be known as section 16a, which said section shall read as follows."



- 1 Reported from Senate March 24, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 6 of "An Act to regulate the practice of veterinary medicine and surgery in the State of Illinois," approved April 24, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 6 of "An Act to regulate the practice  
3 of veterinary medicine and surgery in the State of Illinois," approved April  
4 24, 1899, in force July 1, 1899, be and the same is hereby amended so as to read  
5 as follows:

6 Sec. 6. Each member of the Board of Veterinary Examiners shall be en-  
7 titled to receive five dollars (\$5.00) per day and necessary traveling and inci-  
8 dental expenses incurred while actually engaged in the discharge of his official  
9 duties under the direction of the State Board of Live Stock Commissioners.  
10 Said compensation and expenses and all expenses involved in carrying out the

11 provisions of this Act shall be paid out of the fees and penalties received under  
12 the provisions of this Act, and no part thereof shall be paid from the State  
13 treasury. The State Board of Live Stock Commissioners shall designate a cus-  
14 todian to receive all fees and penalties paid under the provisions of this Act,  
15 who shall execute a bond to said board in such sums as shall be prescribed  
16 from time to time by said board and subject to the approval of said board, to  
17 faithfully discharge the duties of custodian, and shall pay out such sums only  
18 on vouchers certified by a majority of said board and approved by the Governor  
19 of the State of Illinois.

- 1   Reported from Senate March 26, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 11 of "An Act to regulate the practice of pharmacy in the State of Illinois, to make an appropriation therefor and to repeal certain Acts therein named," approved May 11, 1901, in force July 1, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 11 of "An Act to regulate the practice of pharmacy in the State of Illinois, to make appropriation therefor and to repeal certain Acts therein named," approved May 11, 1901, in force July 1, 1901, be and the same is hereby amended to read as follows:

6      Sec. 11. The secretary of the board shall receive a salary, which shall  
7   be fixed by the board, and which shall not exceed the sum of twenty-five hun-  
8   dred dollars (\$2,500.00) per year; he shall also receive his traveling and other  
9   expenses incurred in the performance of his official duties. *The secretary shall*  
10   *execute a bond to the People of the State of Illinois, with good and sufficient*

11 *securities, in a sum to be fixed by the board, conditioned upon the faithful per-*  
12 *formance of his duties. The bond shall be approved by the Governor of the*  
13 *State of Illinois and then filed with the Secretary of State. The members of*  
14 *the board shall receive the sum of five dollars (\$5.00) for each day actually*  
15 *engaged in this service, and all legitimate and necessary expenses incurred in*  
16 *attending the meetings of said board. Said expenses shall be paid from the*  
17 *fees, penalties and appropriations received by the board under the provisions*  
18 *of this Act. Itemized vouchers shall be kept on file in the office of the board*  
19 *for all salaries and other expenditures made from the fee and other funds under*  
20 *the control of the board. Before payment of these vouchers they shall be*  
21 *certified to by the president of the board and approved by the Governor of the*  
22 *State of Illinois. The board shall make an annual report to the Governor and*  
23 *the Illinois Pharmaceutical Association of all moneys received and disbursed*  
24 *by them pursuant to this Act.*



2    Reported from Senate March 31, 1909.

2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 14 of "An Act to regulate public warehouses and the warehousing and inspection of grain and to give effect to article 13 of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, as amended by an Act approved May 24, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 14 of "An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article 13 of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, as amended by Act approved May 24, 1907, in force July 1, 1907, be, and the same is hereby amended so as to read as follows:

1. It shall be the duty of the Governor to appoint, by and with the advice and consent of the Senate, a suitable person who shall not be a member of the board of trade, and who shall not be interested either directly or indi-

rectly in any warehouse in this State, a chief inspector of grain for the entire State of Illinois, who shall hold his office for a term of two years unless sooner removed as hereinafter provided; the office of said chief inspector of grain shall be in the city of Chicago.

2. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain, as required by this Act or laws of this State, under the advice and immediate direction of the Board of Commissioners of Railroads and Warehouses; also, to have general supervision over all deputy inspectors now appointed or hereafter to be appointed.

3. The said chief inspector shall have the authority to appoint, upon the approval of the Board of Commissioners of Railroads and Warehouses, such suitable persons in sufficient numbers to act as deputy inspectors, who shall not be members of the board of trade nor interested in any warehouse, and also such other employes as may be necessary to properly conduct the business of his office; but no deputy inspector shall be appointed for or assigned to duty in any city or county in which is located one or more elevators of class B, except upon a request for such action by the county commissioners or board of supervisors of the county in which such warehouse or warehouses are located, such request to be made to the Railroad and Warehouse Commissioners and in cities or counties wherein a deputy inspector may be appointed or assigned to duty, no person other than such deputy inspector shall inspect or grade any grain without being liable to the penalties provided in section 20 of this Act.

4. The chief inspector of grain shall, upon entering upon the duties of his office, be required to take an oath as in cases of other officers and he shall execute a bond to the People of the State of Illinois, in the penal sum of fifty thousand dollars, with sureties to be approved by the Board of Commissioners of Railroads and Warehouses, with a condition therein that he will faithfully discharge the duties of his said office of chief inspector of grain ac-

38 cording to law, and the rules and regulations prescribing his duties; and that he  
39 will pay all lawful damages to any person or persons who may be injured by  
40 reason of his neglect, refusal or failure to legally comply with the law and the  
41 rules and regulations aforesaid.

42 5. And each deputy inspector shall take a like oath, and execute a bond in  
43 the penal sum of five thousand dollars when appointed with like conditions,  
44 and to be approved in like manner as provided in case of the chief inspector of  
45 grain, which said bonds shall be filed in the office of said commissioners; and  
46 suit may be brought upon said bond or bonds in any court having jurisdiction  
47 thereof, in the county where the plaintiff or defendant resides, for the use of  
48 the person or persons injured.

49 6. The chief inspector of grain, and all deputy inspectors of grain and other  
50 employes in connection therewith, shall be governed in their respective duties  
51 by such rules and regulations as may be prescribed by the Board of Commis-  
52 sioners of Railroads and Warehouses; and the said board of commissioners  
53 shall have full power to make all proper rules and regulations for the inspection  
54 of grain, and shall also have power to fix the rate of charges for the inspection  
55 of grain and the manner in which the same shall be collected, which charges  
56 shall be regulated in such manner as will, in the judgment of the commis-  
57 sioners, produce sufficient revenue to meet the necessary expenses of the ser-  
58 vice of inspection, but the revenues received from such inspection in any county  
59 or city shall in no event be used to pay deficit in any other county or city.

60 7. It shall be the duty of the board of commissioners to fix the amount  
61 of compensation to be paid to the chief inspector, deputy inspectors and all  
62 other persons employed in the inspection service, and prescribe the time and  
63 manner of their payment. Itemized vouchers shall be kept on file in the office  
64 of the Board of Commissioners of Railroads and Warehouses for all salaries and  
65 other expenditures made from the fee or other funds under the control of said

66 commissioners. All vouchers shall be certified to by the chairman of said commis-  
67 sioners and approved, before payment, by the Governor of the State of Illinois.

68 8. The Board of Commissioners of Railroads and Warehouses are hereby  
69 authorized to appoint a suitable person as warehouse registrar and such as-  
70 sistants as may be deemed necessary to perform the duties imposed upon such  
71 registrar by the provisions of this Act.

72 9. The said board of commissioners shall have and exercise a general super-  
73 vision and control of such appointees, shall prescribe their respective duties,  
74 shall fix the amount of their compensation and the time and manner of its pay-  
75 ment.

76 10. Upon the complaint in writing of any person to the said board of  
77 commissioners supported by reasonable and satisfactory proof, that any per-  
78 son appointed or employed under the provisions of this section has violated any  
79 of the rules prescribed for his government, has been guilty of an improper of-  
80 ficial act, or has been found insufficient or incompetent for the duties of his posi-  
81 tion, such person shall be immediately removed from his office or employment  
82 by the same authority that appointed him, and his place shall be filled, if neces-  
83 sary, by a new appointment; or in case it shall be deemed necessary to reduce  
84 the number of persons so appointed or employed, their term of service shall  
85 cease under the orders of the same authority by which they were appointed or  
86 employed.

87 11. All necessary expenses incident to the inspection of grain, and to the  
88 office of registrar, economically administered, including the rent of suitable  
89 offices, shall be deemed expenses of the inspection service and shall be included  
90 in the estimate of expenses of such inspection service and shall be paid from the  
91 funds collected for the same.



- 1   Reported from Senate, April 2, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to amend “An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named,” approved April 24, 1899, in force July 1, 1899, by adding one new section to said Act, to be known as section 5a.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, “An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named,” approved April 24, 1899, in force July 1, 1899, be amended by adding one new section, to be known as section 5a, to read as follows:

6      Sec. 5a. Itemized vouchers shall be kept on file in the office of the board  
7 for all salaries and other expenditures made from fee funds or other funds un  
8 der control of the board.



- 1   Reported from Senate April 8, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 11 of “An Act to create and establish a board of health in the State of Illinois,” approved May 28, 1877, in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly: That section 11 of “An Act to create and establish*  
3 *a board of health in the State of Illinois,” approved May 28, 1877, in force*  
4 *July 1, 1877, be and the same is hereby amended so as to read as follows:*  
5      Sec. 11. They shall elect a secretary, who shall perform the duties pre-  
6 scribed by the board; and by this Act, he shall receive a salary, which shall  
7 be fixed by the board; he shall also receive his traveling and other expenses  
8 incurred in the performance of his official duties. *The secretary shall execute*  
9 *a bond to the People of the State of Illinois, with good and sufficient securi-*  
10 *ties, in a sum to be fixed by the board, conditioned upon the faithful perform-*  
11 *ance of his duties. The bond shall be approved by the Governor and then filed*  
12 *in the office of the Secretary of State. The other members of the board shall*

13 receive no compensation for their services, but their traveling and other ex-  
14 penses, while employed on business of the board, shall be paid. The president  
15 of the board shall quarterly certify the amount due the secretary, and on pre-  
16 sentation of his certificate, the Auditor of the State shall draw his warrant on  
17 the Treasurer for the amount.



1. Reported from Senate April 9, 1909.
2. Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 12 of "An Act relating to employment offices and agencies," approved and in force May 11, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 12 of "An Act relating to employment offices and agencies," approved and in force May 11, 1903, be and the same is hereby amended so as to read as follows:

5      Sec. 12. All money or moneys received from fees and fines shall be held  
6 by the said commissioners of labor, and shall constitute a fund for the pur  
7 pose of enforcing the provisions of this Act; the secretary of the commis  
8 sioners of labor shall act as custodian of the fee and fine fund and shall exe  
9 cute a bond to the People of the State of Illinois, with good and sufficient se  
10 curities, in a sum to be fixed by the commissioners of labor, conditioned upon  
11 the faithful performance of his duties. The bond shall be approved by the

12 Governor and then filed with the Secretary of State. All expenditures from  
13 the fee fund or any other fund under the control of the commissioners of labor  
14 shall be paid on itemized vouchers certified to by the president of the com-  
15 missioners of labor and approved by the Governor of the State of Illinois, and  
16 the said commissioners shall, at the end of each fiscal year, make an account  
17 of said fund and pay into the State treasury whatever balance shall remain  
18 after paying the necessary disbursements for the purpose of enforcing the pro-  
19 visions of this Act.

- 1   Reported from Senate April 8, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 21 of an Act entitled, “An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named,” approved June 23, 1883, in force July 1, 1883, as amended by Act approved April 12, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 21 of an Act entitled, “An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named,” approved June 23, 1883, in force July 1, 1883, as amended by Act approved April 12, 1899, in force July 1, 1899, be and the same is hereby amended to read as follows:

Sec. 21. Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, and bridges within eighty rods

9 of county or town lines over streams on roads extending from one county or  
10 town into another county or town and crossing county or town lines, shall be  
11 built and repaired at the expense of such towns or counties. And all such bridges  
12 over streams which form the boundary line between two counties, and all such  
13 bridges within eighty rods of such boundary line, when the cost of constructing  
14 the same shall be \$5,000 or over, shall be built by such counties respectively  
15 in the proportion that the taxable property in each county respectively bears  
16 to each other according to its assessed value as equalized at the time of con-  
17 structing such bridge. And when any county desires to build any such bridge  
18 across any stream which is the boundary line between such county and another  
19 county, or desires to build any such bridge within eighty rods of such boundary  
20 line, and the cost of such bridge will equal or exceed \$5,000, and the county  
21 desiring to construct such bridge has appropriated its share of the cost of con-  
22 structing the same, then it shall be the duty of such other county to make an  
23 appropriation for its proportion of the cost of said bridge on the basis of the  
24 assessed value of the property, real and personal, of each of said counties ac-  
25 cording to the last preceding assessment thereof as equalized, and if such other  
26 county fails or refuses to make an appropriation for its proper proportion of  
27 the cost of constructing such bridge, any court of competent jurisdiction shall  
28 issue an order to compel such county to make such appropriation upon a  
29 proper petition for that purpose, and the cost and expense of maintaining and  
30 keeping the same in repair after the same is built and constructed shall be  
31 borne in the proportion of the assessed value of the property in each of said  
32 counties according to the latest equalized assessment thereof: *Provided*, that  
33 for the building and maintaining of bridges over streams near county or town  
34 lines in which both are interested and where the cost thereof is less than \$5,000,  
35 the expense of building and maintaining any such bridge shall be borne by  
36 both counties or towns in such portion as shall be just and equitable between



37 said towns or counties, taking into consideration the taxable property in each,  
38 the location of the bridge, and the advantage of each, to be determined by the  
39 commissioners in making contracts for the same, as provided for in section 22  
40 of this Act.



- 1 Reported from Senate, May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section four (4) of "An Act creating the Illinois Farmers' Institute," approved June 24, 1895, as amended by an Act approved May 15, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section four (4) of "An Act creating the Illinois Farmers' Institute," approved June 24, 1895, as amended by an Act approved May 15, 1903, be and is hereby amended to read as follows:

5 Sec. 4. The board of directors of the Illinois Farmers' Institute shall have  
6 sole care and disposal of all sums that may be appropriated by the State to  
7 sustain the organization, and shall expend the same in such manner as in their  
8 judgment will best promote the interests in useful education among farmers  
9 and develop the agricultural resources of the State. The Illinois Farmers'  
10 Institute shall make annual report to the Governor of its transactions, which

11 report shall include papers pertaining to its work and addresses made at the  
 12 annual meeting of the organization, and a statement of all moneys received  
 13 and of all expenditures made, and fifty thousand (50,000) copies of such re-  
 14 port shall be printed and bound in cloth on or before September 1, of each  
 15 fiscal year, three-fourths for use of the Illinois Farmers' Institute, and the re-  
 16 mainder to the Secretary of State for distribution. It shall make no appropri-  
 17 ation without funds in hand to meet the same, and the State of Illinois shall in  
 18 no event be liable or responsible for debt, obligation or contract made by the  
 19 Illinois Farmers' Institute or its board of directors.



- 1   Reported from Senate May 20, 1909.
- 2   Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for the Illinois Farmers' Institute and county  
farmers' institutes.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be and hereby is appropriated to the  
3 Illinois Farmers' Institute the following sums, to-wit: For clerk hire, janitor  
4 service, postage, expressage, office library, furniture, incidental office expenses,  
5 etc., two thousand five hundred dollars (\$2,500) per annum, for the fiscal years  
6 beginning July 1, 1909, and 1910. The Secretary of State shall provide all  
7 needful books, papers, stationery and printing required on requisition by the  
8 Secretary of the Illinois Farmers' Institute.

Sec. 2. For the salary of a superintendent, one thousand five hundred  
2 dollars (\$1,500) per annum; for assistants to the superintendent, one thousand

3 dollars (\$1,000) per annum; for one stenographer, one thousand dollars  
4 (\$1,000) per annum, for the fiscal years beginning July 1, 1909, and 1910.

Sec. 3. For the per diem and necessary expenses of expert judges, instruc-  
2 tors and speakers furnished by the board of directors for county institutes,  
3 farmers' study clubs, farmer boys organizations, home makers' clubs, etc., and  
4 for use of the board in furnishing to the daily and weekly newspapers of the  
5 State reports of the most approved and successful farm practice and experiment  
6 station results; the latest teachings of agricultural science and the educational  
7 ideas that are receiving the attention of scientists and foremost farmers, the  
8 sum of six thousand dollars (\$6,000) per annum, for the fiscal years beginning  
9 July 1, 1909, and 1910.

Sec. 4. For the actual expenses of the members of the board of directors  
2 and officers of the Illinois Farmers' Institute, in the performance of their duties  
3 as such members and officers; for the expenses of the district conferences, the  
4 expenses of the State institute meeting, and for the incidental expenses in pro-  
5 moting the development of the farmers' institute work throughout the State,  
6 six thousand dollars (\$6,000) per annum, for the fiscal years beginning July 1,  
7 1909, and 1910.

Sec. 5. For the purpose of holding one or more farmers' institute meet-  
2 ings in each county in the State, the sum of seventy-five dollars (\$75) per  
3 annum for the fiscal years beginning July 1, 1909, and 1910, said sum to be  
4 paid to the treasurer of each county farmers' institute when such institute  
5 shall file with the secretary of the Illinois Farmers' Institute a sworn state-  
6 ment, which shall show that said county farmers' institute has held one or  
7 more duly advertised public sessions annually, in accordance with such rules  
8 as may be prescribed by the board of directors of the Illinois Farmers' Insti-  
9 tute: *Provided*, that if the necessary expenses of a county farmers' institute

10 shall not equal the sum of seventy-five dollars (\$75) as aforesaid, then said  
11 warrant shall only be drawn for the sum expended.

Sec. 6. No officer nor officers of a county farmers' institute shall be entitled, as such officer or officers, to receive any monied compensation for any service rendered the same.

Sec. 7. That on the order of the president, approved by the director of the congressional district, the secretary of the Illinois Farmers' Institute shall draw his warrant on the treasurer of the Illinois Farmers' Institute in favor of the treasurer of the county farmers' institute for the sum herein appropriated, seventy-five dollars (\$75) or so much thereof as may be received for its use and benefit, as aforesaid, and it shall be the duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of the said county farmers' institute the said sum, and make annual report to the Governor, as provided by law.

Sec. 8. The State Auditor is hereby authorized and instructed to draw his warrant for the sums herein specified and deliver the same to the treasurer of the Illinois Farmers' Institute upon his presenting voucher for same, signed by the president and the secretary of said Illinois Farmers' Institute, and the State Treasurer shall pay the same out of any money in the State treasury not otherwise appropriated.





**AMENDMENTS TO**

**46th Assem. Senate Bill No. 197 in House**

**May 1909**

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Adopted May 25, 1909.

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**AMENDMENT NO. 1.**

Amend by striking out, in line 8, section 3, of the printed bill, the words and figures “\$6,000” and inserting in lieu thereof the words and figures “\$3,000.”

**AMENDMENT NO. 2.**

Amend by striking out, in line 6, section 4, the printed bill, the words and figures “\$6,000” and inserting in lieu thereof the words and figures “\$5,000.”



1   Reported from Senate May 19, 1909.

2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 1 of article V of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force Dec. 31, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article V of an Act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force Dec. 31, 1907, be amended so as to read as follows, viz:

6      Sec. 1. The city council in cities, and the president and the board of  
7 trustees in villages, shall have the following powers:

8      First—To control the finances and property of the corporation.

9      Second—To appropriate money for corporate purposes only, and provide  
10 for payment of debts and expenses of the corporation.

11 Third—To levy and collect taxes for general and special purposes on real  
12 and personal property.

13 Fourth—To fix the amount, terms and manner of issuing and revoking li  
14 censes.

15 Fifth—To borrow money on the credit of the corporation for corporate  
16 purposes, and issue bonds therefor in such amounts and form, and on such con-  
17 ditions, as it shall prescribe, but shall not become indebted in any manner or  
18 for any purpose to an amount, including existing indebtedness, in the aggre-  
19 gate to exceed five (5) per centum on the value of the taxable property there-  
20 in, to be ascertained by the last assessment for the State and county taxes  
21 previous to the incurring of such indebtedness; and before or at the time of  
22 incurring any indebtedness, shall provide for the collection of a direct annual  
23 tax sufficient to pay the interest on such debt as it falls due, and also to pay  
24 and discharge the principal thereof within twenty years after constructing (con-  
25 tracting) the same.

26 Sixth—To issue bonds in place of or to supply means to meet maturing  
27 bonds, or for the consolidation or funding of the same.

28 Seventh—To lay out, to establish, open, alter, widen, extend, grade, pave  
29 or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and  
30 public grounds, and vacate the same.

31 Eighth—To plant trees upon the same.

32 Ninth—To regulate the use of the same.

33 Tenth—To prevent and remove encroachments or obstructions upon the  
34 same.

35 Eleventh—To provide for the lighting of the same.

36 Twelfth—To provide for the cleansing of the same.

37 Thirteenth—To regulate the openings therein for the laying of gas or  
38 water mains and pipes, and the building and repairing of sewers, tunnels and



39 drains, and erecting gas lights: *Provided, however,* that any company hereto-  
 40 fore organized under the general laws of this State, or any association of per-  
 41 sons organized, or which may be hereafter organized, for the purpose of manu-  
 42 facturing illuminating gas to supply cities or villages, or the inhabitants there-  
 43 of, with the same, shall have the right, by consent of the common council (sub-  
 44 ject to existing rights), to erect gas factories, and lay down pipes in the streets  
 45 or alleys of any city or village in this State, subject to such regulations as any  
 46 such city or village may by ordinance impose.

47 Fourteenth—To regulate the use of sidewalks and all structures there-  
 48 under, and to require the owner or occupant of any premises to keep the side-  
 49 walks in front of, or along the same free from snow and other obstructions.

50 Fifteenth—To regulate and prevent the throwing or depositing of ashes,  
 51 offal, dirt, garbage or any offensive matter in, and to prevent injury to, any  
 52 street, avenue, alley or public ground.

53 Sixteenth—To provide for and regulate crosswalks, curbs and gutters.

54 Seventeenth—To regulate and prevent the use of streets, sidewalks and  
 55 public grounds for signs, sign posts, awnings, awning posts, telegraph poles,  
 56 horse troughs, racks, posting hand-bills and advertisements.

57 Eighteenth—To regulate and prohibit the exhibition or carrying of banners,  
 58 placards, advertisements or hand-bills in the streets or public grounds, or upon  
 59 the sidewalks.

60 Nineteenth—To regulate and prevent the flying of flags, banners or signs  
 61 across the streets or from houses.

62 Twentieth—To regulate traffic and sales upon the streets, sidewalks and  
 63 public places.

64 Twenty-first To regulate the speed of horses and other animals, vehicles,  
 65 cars and locomotives within the limits of the corporation.

66 Twenty-second—To regulate the numbering of houses and lots.

67       Twenty-third—To name and change the name of any street, avenue, alley  
68 or other public place.

69       Twenty-fourth—To permit, regulate or prohibit the locating, constructing  
70 or laying a track of any horse railroad in any street, alley or public place; but  
71 such permission shall not be for a longer time than for twenty years.

72       Twenty-fifth—To provide for and change the location, grade and crossings  
73 of any railroad.

74       Twenty-sixth—To require railroad companies to fence their respective rail-  
75 roads, or any portion of the same, and to construct cattle guards, crossings of  
76 streets and public roads, and keep the same in repair, within the limits of the  
77 corporation. In case any railroad company shall fail to comply with any such  
78 ordinance, it shall be liable for all damages the owner of any cattle or horses  
79 or other domestic animal may sustain by reason of injuries thereto while on  
80 the track of such railroad, in like manner and extent as under the general laws  
81 of this State relative to the fencing of railroads; and actions to recover such  
82 damages may be instituted before any justice of the peace or other court of  
83 competent jurisdiction.

84       Twenty-seventh—To require railroad companies to keep flagmen at rail-  
85 road crossings of streets, and provide protection against injury to persons and  
86 property in the use of such railroads. To compel such railroads to raise or  
87 lower their railroad tracks to conform to any grade which may, at any time,  
88 be established by said city, and where such tracks run lengthwise of any such  
89 street, alley or highway, to keep their railroad tracks on a level with the  
90 street surface, and so that such tracks may be crossed at any place on such  
91 street, alley or highway. To compel and require railroad companies to make  
92 and keep open and to keep in repair ditches, drains, sewers and culverts along  
93 and under their railroad tracks, so that filthy or stagnant pools of water can-  
94 not stand on their grounds or right of way, and so that the natural drainage  
95 of adjacent property shall not be impeded.

96 Twenty-eighth—To construct and keep in repair bridges, viaducts and tun-  
97 nels, and to regulate the use thereof.

98 Twenty-ninth—To construct and keep in repair culverts, drains, sewers and  
99 cess pools, and to regulate the use thereof.

100 Thirtieth—To deepen, widen, dock, cover, wall, alter or change channel of  
101 water courses.

102 Thirty-first—To construct and keep in repair canals and slips for the ac-  
103 commodation of commerce.

104 Thirty-second—To erect and keep in repair public landing places, wharves,  
105 docks and levees.

106 Thirty-third—To regulate and control the use of public and private landing  
107 places, wharves, docks and levees.

108 Thirty-fourth—To control and regulate the anchorage, moorage and land-  
109 ing of all water craft and their cargoes within the jurisdiction of the corpo-  
110 ration.

111 Thirty-fifth—To license, regulate and prohibit wharf boats, tugs, and other  
112 boats used about the harbor or within such jurisdiction.

113 Thirty-sixth—To fix the rate of wharfage and dockage.

114 Thirty-seventh—To collect wharfage and dockage from all boats, rafts or  
115 other craft landing at or using any public landing place, wharf, dock or  
116 levee within the limits of the corporation.

117 Thirty-eighth—To make regulations in regard to use of harbors, towing  
118 of vessels, opening and passing of bridges.

119 Thirty-ninth—To appoint harbor masters and define their duties.

120 Fortieth—To provide for the cleansing and purification of waters, water  
121 courses and canals, and the draining or filling of ponds on private property,  
122 whenever necessary to prevent or abate nuisances.

123 Forty-first -To license, tax, regulate, suppress and prohibit hawkers, ped-  
 124 dlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions,  
 125 shows and amusements, and to revoke such license at pleasure.

126 Forty-second -To license, tax and regulate hackmen, draymen, omnibus  
 127 drivers, carters, cabmen, porters, expressmen, and all others pursuing like occu-  
 128 pations and to prescribe their compensation.

129 Forty-third -To license, regulate, tax and restrain runners for stages.  
 130 cars, public houses, or other things or persons.

131 Forty-fourth -To license, regulate, tax or prohibit and suppress billiard.  
 132 bagatelle, pigeon hole or any other tables or implements kept or used for a  
 133 similar purpose in any place of public resort, pin alleys and ball alleys.

134 Forty-fifth -To suppress bawdy and disorderly houses, houses of ill fame  
 135 or assignation within the limits of the city and within three miles of the outer  
 136 boundaries of the city; and also to suppress gaming and gambling houses, lot-  
 137 teries and all fraudulent devices and practices for the purpose of gaining or  
 138 obtaining money or property; and to prohibit the sale or exhibition of obscene  
 139 or immoral publications, prints, pictures or illustrations.

140 Forty-sixth -To license, regulate and prohibit the selling or giving away  
 141 of any intoxicating malt, vinous, mixed or fermented liquor, the license not to  
 142 extend beyond the municipal year in which it shall be granted, and to determine  
 143 the amount to be paid for such license: *Provided*, that the city council in cities,  
 144 or presidents and board of trustees in villages, may grant permits to druggists  
 145 for the sale of liquors for medicinal, mechanical, sacramental and chemical pur-  
 146 poses only, subject to forfeiture, and under such restrictions and regulations  
 147 as may be provided by ordinance: *Provided, further*, that in granting licenses  
 148 such corporate authorities shall comply with whatever general law of the State  
 149 may be in force relative to the granting of licenses.



150 Forty-seventh—The foregoing shall not be construed to affect the provisions  
151 of the charter of any literary institution heretofore granted.

152 Forty-eighth—And the city council in cities, and president and board of  
153 trustees in villages, shall also have the power to forbid and punish the selling  
154 or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to  
155 any minor, apprentice or servant or insane, idiotic or distracted person, habit-  
156 ual drunkard, or person intoxicated.

157 Forty-ninth—To establish markets and market houses, and provide for the  
158 regulation and use thereof.

159 Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard  
160 vegetables and all other provisions. and to provide for place and manner of sell-  
161 the same.

162 Fifty-first—To prevent and punish forestalling and regrating.

163 Fifty-second—To regulate the sale of bread in the city or village; prescribe  
164 the weight and quality of bread in the loaf.

165 Fifty-third—To provide for and regulate the inspection of meats, poultry,  
166 fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other pro-  
167 visions.

168 Fifty-fourth—To regulate the inspection, weighing and measuring of brick,  
169 lumber, fire wood, coal, hay and any article of merchandise.

170 Fifty-fifth—To provide for the inspection and sealing of weights and  
171 measures.

172 Fifty-sixth—To enforce the keeping and use of proper weights and meas-  
173 ures by vendors.

174 Fifty-seventh—To regulate the construction, repairs and use of vaults, cis-  
175 terns, areas, hydrants, pumps, sewers and gutters.

176 Fifty-eighth—To regulate places of amusement.

177 Fifty-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock  
178 fights and all disorderly conduct.

179       Sixtieth—To regulate partition fences and party walls.

180       Sixty-first—To prescribe the thickness, strength and manner of constructing  
181 stone, brick and other buildings, and construction of fire escapes therein.

182       Sixty-second—The city council, and the president and trustees in villages,  
183 for the purpose of guarding against the calamities of fire, shall have power to  
184 prescribe the limits within which wooden buildings shall not be erected or  
185 placed, or repaired, without permission, and to direct that all and any buildings  
186 within the fire limits, when the same shall have been damaged by fire, decay or  
187 otherwise, to the extent of fifty per cent of the value, shall be torn down or re-  
188 moved, and to prescribe the manner of ascertaining such damage.

189       Sixty-third—To prevent the dangerous construction and condition of chim-  
190 neys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus used  
191 in and about any building and manufactory, and to cause the same to be re-  
192 moved or placed in a safe condition, when considered dangerous; to regulate and  
193 prevent the carrying on of manufactories dangerous in causing and prompting  
194 (promoting) fires; to prevent the deposit of ashes in unsafe places, and to  
195 cause all such buildings and enclosures as may be in a dangerous state to be put  
196 in a safe condition.

197       Sixty-fourth—To erect engine houses, and provide fire engines, hose carts,  
198 hooks and ladders, and other implements for prevention and extinguishment  
199 of fires, and provide for the use and management of the same by voluntary fire  
200 companies or otherwise.

201       Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch,  
202 resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or  
203 any of the products thereof, and other combustible or explosive material, and the  
204 use of lights in stables, shops and other places, and the building of bon-fires: also  
205 to regulate and restrain the use of fire-works, fire crackers, torpedoes, Roman  
206 candles, sky rockets and other pyrotechnic displays.

207      Sixty-sixth—To regulate the police of the city or village, and pass and en-  
208 force all necessary police ordinances.

209      Sixty-seventh—To provide for the inspection of steam boilers.

210      Sixty-eighth—To prescribe the duties and powers of a superintendent of po-  
211 lice, policemen and watchmen.

212      Sixty-ninth—To establish and erect calaboozes, bridewells, houses of cor-  
213 rection and workhouses for the reformation and confinement of vagrants, idle  
214 and disorderly persons, and persons convicted of violating any city or village or-  
215 dinance, and make rules and regulations for the government of the same, and ap-  
216 point necessary keepers and assistants.

217      Seventieth—To use the county jail for the confinement or punishment of of-  
218 fenders, subject to such conditions as are imposed by law, and with the consent  
219 of the county board.

220      Seventy-first—To provide by ordinance in regard to the relation between all  
221 the officers and employes of the corporation in respect to each other, the corpo-  
222 ration and the people.

223      Seventy-second—To prevent and suppress riots, routs, affrays, noises, dis-  
224 turbances, disorderly assemblies in any public or private place.

225      Seventy-third—To prohibit and punish cruelty to animals.

226      Seventh-fourth—To restrain and punish vagrants, mendicants and prosti-  
227 tutes.

228      Seventy-fifth—To declare what shall be a nuisance, and to abate the same;  
229 and to impose fines upon parties who may create, continue or suffer nuisances  
230 to exist.

231      Seventy-sixth—To appoint a board of health, and prescribe its powers and  
232 duties.



233        Seventy-seventh—To erect and establish hospitals and medical dispensaries,  
234 and control and regulate the same.

235        Seventy-eighth—To do all acts, make all regulations which may be necessary  
236 or expedient for the promotion of health or the suppression of disease.

237        Seventy-ninth—To establish and regulate cemeteries within or without the  
238 corporation, and acquire lands therefor, by purchase or otherwise, and cause  
239 cemeteries to be removed, and prohibit their establishment within one mile of  
240 the corporation.

241        Eightieth—To regulate, restrain and prohibit the running at large of horses,  
242 cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

243        Eighty-first—To direct the location and regulate the management and con-  
244 struction of packing houses, renderies, tallow chandleries, bone factories, soap  
245 factories and tanneries, *and buildings for the storing of gunpowder or other*  
246 *combustible and dangerous materials*, within the limits of the city or village,  
247 and within the distance of one mile without the city or village limits.

248        Eighty-second—To direct the location and regulate the use and construction of  
249 breweries, distilleries, livery stables, blacksmith shops, foundries, *machine shops*,  
250 *garages and laundries run by machinery*, within the limits of the city or village.

251        Eighty-third—To prohibit any offensive or unwholesome business or es-  
252 tablishment within or within one mile of the limits of the corporation.

253        Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow  
254 chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or  
255 nauseous house or place, to cleanse, abate or remove the same, and to regulate  
256 the location thereof.

257        Eighty-fifth—The city council or trustees of a village shall have power to  
258 provide for the taking of the city or village census; but no city or village census  
259 shall be taken by authority of the council or trustees oftener than once in  
260 three years.



261 Eighty-sixth—To provide for the erection and care of all public buildings  
 262 necessary for the use of the city or village.

263 Eighty-seventh—To establish ferries, toll bridges and license and regulate  
 264 the same, and from time to time to fix tolls thereon.

265 Eighty-eighth—To authorize the construction of mills, mill races and  
 266 feeders on, through or across the streets of the city or village, at such places  
 267 and under such restrictions as they shall deem proper.

268 Eighty-ninth—The city council shall have power, by condemnation or other-  
 269 wise, to extend any street, alley or highway over or across, or to construct any  
 270 sewer under or through any railroad track, right of way, or land of any rail-  
 271 road company (within the corporate limits); but where no compensation is made  
 272 to such railroad company the city shall restore such railroad track, right of  
 273 way or land to its former state, or in a sufficient manner not to have impaired  
 274 its usefulness.

275 Ninetieth—The city council or board of trustees shall have no power to grant  
 276 the use of or the right to lay down any railroad tracks in any street of the city  
 277 to any steam, dummy, electric, cable, horse or other railroad company, whether  
 278 the same shall be incorporated under any general or special law of the State,  
 279 now or hereafter in force, except upon the petition of the owners of the land  
 280 representing more than one-half of the frontage of the street, or so much there-  
 281 of as is sought to be used for railroad purposes, and when the street or part  
 282 thereof sought to be used shall be more than one mile in extent, no petition of  
 283 land owners shall be valid unless the same shall be signed by the owners of  
 284 the land representing more than one-half of the frontage of each mile and of  
 285 the fraction of a mile, if any, in excess of the whole miles measuring from the  
 286 initial point named in such petition, of such street or of the part thereof sought  
 287 to be used for railroad purposes.

288      Ninety-first—To tax, license and regulate auctioneers, distillers,  
289 breweries, lumber yards, livery stables, public scales, money changers and  
290 brokers.

291      Ninety-second—To prevent and regulate the rolling of hoops, playing of  
292 ball, flying of kites, or any other amusement or practice having a tendency to  
293 annoy persons passing in the streets or on the sidewalks, or to frighten teams  
294 and horses.

295      Ninety-third—To regulate and prohibit the keeping of any lumber yard,  
296 and the placing or piling or selling any lumber, timber, wood or other com-  
297 bustible material, within the fire limits of the city.

298      Ninety-fourth—To provide by ordinance, that all the paper, printing, sta-  
299 tionery, blanks, fuel, and all the supplies needed for the use of the city, shall  
300 be furnished by contract let to the lowest bidder.

301      Ninety-fifth—To tax, license and regulate second hand and junk stores,  
302 and to forbid their purchasing or receiving from minors, without the written  
303 consent of their parents or guardians, any article whatsoever, *and to direct the*  
304 *location thereof.*

305      Ninety-sixth—To direct, license and control all wagons and other vehicles  
306 conveying loads within the city, or any particular class of such wagons and  
307 other vehicles, and prescribe the width and tire of the same, the license fee  
308 when collected to be kept as a separate fund and used only for paying the cost  
309 and expense of street or alley improvement or repair.

310      Ninety-seventh—*To tax, license and regulate hotels, inns, rooming houses*  
311 *and lodging houses, and to provide for their conduct and management.*

312      Ninety-eighth—To pass all ordinances, rules and make all regulations, proper  
313 or necessary, to carry into effect the powers granted to cities or villages, with  
314 such fines or penalties as the city council or board of trustees shall deem  
315 proper: *Provided*, no fine or penalty shall exceed \$200.00, and no imprison-  
316 ment shall exceed six months for one offense.

2 Reported from Senate March 26, 1909

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to regulate the practice of osteopathy in the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a board of examiners, appointed by the Governor,  
3 by and with the consent of the Senate, consisting of five competent practicing  
4 osteopaths, to be known as the Illinois State Board of Osteopathy, is hereby  
5 created, whose duty it shall be to carry out the purposes and enforce the pro-  
6 visions of this Act, as hereinafter specified. The term of office of the mem-  
7 bers of the board so appointed shall be five years, except that the term of  
8 the respective members of the first board shall be so designated that the term  
9 of one member shall expire each year, and the vacancies so created shall be  
10 filled by like appointment for the term of five years, by and with the advice  
11 and consent of the Senate: *Provided*, that appointments made when the Sen-

ate is not in session may be confirmed at its next ensuing session: *Provided*, also, that no person shall be eligible to appointment to said board who is in any way connected with or interested in any osteopathic college or osteopathic department in any institution of learning.

Sec. 2. The board shall, within thirty days after its appointment, meet and organize by electing from its members a president, secretary and treasurer. Such officers shall be elected for one year and shall be elected annually thereafter. The board shall prescribe the duties and compensation of the secretary and treasurer. The secretary and treasurer, respectively, shall execute a bond to the People of the State of Illinois, with good and sufficient security, in a sum to be fixed by the board, conditioned upon the faithful performance of their respective duties. The bond shall be approved by the Governor of the State of Illinois and then filed with the Secretary of State. The secretary shall pay over to the treasurer all moneys that come to his hands by virtue of his office, and the treasurer shall keep a full record of all moneys received and paid out under the direction of the board. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this Act; to report annually to the Governor upon the condition of osteopathy in this State, which report shall also furnish a record of the proceedings of the board for the year, and also the names of all the osteopaths duly registered under this Act. The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties, at least once in six months. One of said meetings shall be held every year at least in the city of Chicago and one meeting at least shall be held in the city of Springfield. Thirty days previous public notice of the time and place of such meeting shall be given by publication in one or more newspapers of general circulation, published in Chicago



25 or Springfield. The board shall have power to make by-laws for the proper ful  
26 fillment of its duties under this Act, and shall keep a book of registration in  
27 which shall be entered the names and places of business of all persons regis  
28 tered under this Act, which book shall also specify such facts as said persons  
29 shall claim to justify their registration. Three members of the board shall con  
30 stitute a quorum, but no certificate to practice osteopathy shall be granted on an  
31 affirmative vote of less than three members.

Sec. 3. The secretary shall receive a salary fixed by the board, which shall  
2 not exceed \$1,200 per year. He shall also receive his traveling and other ex-  
3 penses incurred in the performance of his official duties. The members of the  
4 board shall receive as their only compensation \$5.00 for each day actually  
5 engaged in this service and all legitimate and necessary expenses incurred in  
6 attending the meetings of the board. Such salaries and expenses shall be paid  
7 from the fees and penalties received by the board under the provisions of this  
8 Act. Itemized vouchers shall be kept on file in the office of the board for all  
9 salaries and other expenditures made from the fee and other funds under the  
10 control of the board. Before payment of these vouchers they shall be certi-  
11 fied to by the president of the board and approved by the Governor of the State  
12 of Illinois. The board shall make an annual report to the Governor of all  
13 moneys received and disbursed by it pursuant to this Act.

Sec. 4. Written application for a certificate to practice osteopathy shall be  
2 made to the board in writing, and accompanied by an examination fee  
3 of twenty dollars (\$20.00). The form of the application shall be prescribed by  
4 the board. The applicant shall state, first, his or her name, age (which shall  
5 not be less than twenty one years) and residence; second, that such applicant  
6 shall have, previous to beginning his or her course in osteopathy, a certificate  
7 of examination for admission to the freshman class of a reputable literary or

8 scientific college, or a diploma from a high school, academy, state normal  
9 school, college or university, approved by the board; third, the date of his or  
10 her diploma, and that such diploma or certificate was granted on personal at-  
11 tendance and completion of a course of not less than three terms, of not less  
12 than nine months each, in three separate years; fourth, the name of the school  
13 or college of osteopathy from which said applicant is a graduate, and which  
14 shall have been in good repute as such at the time of the granting of his or  
15 her diploma, as determined by the board. The board may, in its discretion,  
16 accept as the equivalent of any part, or all of the second, third and fourth re-  
17 quirements, evidence of five or more years' reputable practice of osteopathy,  
18 provided such substitution be specified in the certificate. If the facts thus set  
19 forth, and to which the applicant shall be required to make affidavit, shall  
20 meet the requirements of the board, as prescribed by its rules, then the board  
21 shall require the applicant to submit to an examination as to his qualifications  
22 for the practice of osteopathy, which shall include the subjects of anatomy,  
23 physiology, physiological chemistry, toxicology, osteopathic pathology, osteop-  
24 athic diagnosis, hygiene, osteopathic obstetrics, gynecology, minor surgery, prin-  
25 ciples and practice of osteopathy and such other subjects as the board may re-  
26 quire. If such examination is passed in a manner satisfactory to the board, then  
27 the board shall issue to the applicant a certificate granting him or her the right to  
28 practice osteopathy in the State of Illinois. Any person failing to pass such exam-  
29 ination may be re-examined at any regular meeting of the board within one year  
30 from the time of such failure, without additional fee: *Provided*, that any person  
31 having a diploma from a legally chartered school or college of osteopathy which  
32 was in good standing at the time of issuing such diploma, as defined by the board,  
33 and who shall meet the requirements of the board in other respects, and who  
34 is in active practice in this State at the time of the passage of this Act, may,  
35 upon the payment of a fee of two dollars (\$2.00), be granted a certificate by the  
36 board to practice osteopathy in this State without examination, if application for

such certificate is filed within ninety days after this Act goes into effect. *Provided, further,* that a physician's certificate issued by a reputable school of osteopathy to a graduate, from a reputable school of medicine, after an attendance of not less than two terms of nine months each may be accepted by the board on the same terms as a diploma, and the holder thereof be subject to the same regulations in all other respects as other applicants before the board. *Provided, further,* that the board may, in its discretion, dispense with an examination in the case, first, of an osteopathic physician, duly authorized to practice osteopathy in any other state or territory, or the District of Columbia, who presents a certificate of license issued after an examination by the legally constituted board of such state, territory or District of Columbia, accorded only to applicants of equal grade with those required in this State; or, second, an osteopathic physician who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy, who may desire to change his residence to this State, and who makes application on a form to be prescribed by the board, accompanied by a fee of twenty dollars (\$20.00).

The president and secretary of the board may grant a temporary permit until a regular meeting of the board, or to such time as the board can conveniently meet, to one whom they consider eligible to practice in the State, and who may desire to commence the practice immediately. Such permit shall only be valid until the next meeting of the board. In all the above provisions the fee shall be the same as charged to applicants for examination, except to those who are practicing in this State at the time of the passage of this Act.

The board may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such degree as to render him or her unfit to practice osteopathy, and may, after due notice and hearing revoke any certificate granted for like cause.

Sec. 5. All fees shall be paid in advance to the treasurer of the board, to be by him held as a fund for the use of the board. The compensation and expenses



3 of the members and officers of the board, and all expenses proper and neces-  
4 sary in the opinion of said board, to discharge its duties under and to enforce the  
5 law, shall be paid out of such fund, upon the warrant of the president and sec-  
6 retary, and no expense shall be created to exceed the income of fees or fines  
7 as herein provided.

Sec. 6. Osteopathic physicians shall observe and be subject to all State  
2 and municipal regulations, regulating the control of contagious diseases; the  
3 reporting and certifying of births and deaths; and all matters pertaining to  
4 public health, the same as physicians of other schools of medicine.

Sec. 7. Every person licensed to practice osteopathy from the Illinois State  
2 Board of Osteopathy, shall record the license in the office of the county clerk  
3 of the county in which he or she expects to practice, within ninety days from  
4 the date issued. Until such certificate is filed for record, the holder shall exer-  
5 cise none of the rights or privileges therein conferred. Said clerk of the county  
6 shall keep in a book for that purpose a complete list of all certificates recorded  
7 by him, with the date of the recording of each certificate.

Sec. 8. Any failure, neglect or refusal on the part of any person, obtain-  
2 ing a license to practice osteopathy from the said board to register such license  
3 with the county clerk of some county in the State, as above directed, within  
4 ninety days from the date of issue of the same, shall work a forfeiture of such  
5 license, and no license when once forfeited shall be restored, except upon pay-  
6 ment to the said board of the sum of ten dollars (\$10.00), for such neglect,  
7 failure or refusal to register such license and the surrender of forfeited  
8 license.

Sec. 9. Any person filing or attempting to file as his own, the diploma or  
2 the license of another, or a forged affidavit of identification or qualification,  
3 shall be deemed guilty of a felony and upon conviction thereof, shall be subject



4 to such fine and imprisonment as is made and provided by the statutes of this  
5 State for the crime of forgery.

Sec. 10. The board may refuse to issue the license provided for in this Act,  
2 or may revoke such license if issued to individuals who have by false or fraud-  
3 ulent representations obtained or sought to obtain practice or by false or  
4 fraudulent representations obtain or seek to obtain money or any other thing  
5 of value, or have practiced under names other than their own or for any other  
6 dishonorable conduct. The board, whenever written charges are filed with its  
7 secretary, shall fix a time and place for a hearing and shall give written notice  
8 to the said person of the time and place of such hearing and furnish the per-  
9 son accused with a copy of the charges, at least twenty days prior to the date  
10 fixed for the hearing.

Sec. 11. All licenses issued by the board shall be signed by all the mem-  
2 bers thereof, and be attested by its president and secretary.

Sec. 12. Any person who shall practice or profess to practice the science  
2 or system of osteopathy in treating diseases of the human body, without a lawful  
3 license so to do issued under this Act, or who shall buy, sell, or fraudulently ob-  
4 tain any diploma, license, record or registration to practice osteopathy; or who,  
5 without having a lawful license to practice under this Act, shall use any of the  
6 forms or letters, "Osteopathy," "Osteopath," or "Osteopathist," "Diplomate  
7 in Osteopathy," "D. O.," "D. Sc. O.," "Osteopathic Physician," "Doctor of Os-  
8 teopathy," or any other title or letters either alone or with other such qualifying  
9 words or phrases under such circumstances as to induce the belief that the  
10 person who uses such term or terms is engaged in the practice of osteopathy,  
11 shall in either of the cases above specified be deemed guilty of a misdemeanor,  
12 and, upon conviction thereof, shall be fined not less than twenty-five dollars  
13 (\$25.00), nor more than one hundred dollars (\$100.00), for each offense, or

14 confined not less than three months nor more than six months in the county jail:  
15 *Provided, further,* nothing in this Act contained shall be construed as prevent-  
16 ing physicians or nurses prescribing or administering massage.

Section 13. All suits for the recovery of the several penalties prescribed  
2 in this Act shall be prosecuted in the name of the People of the State of Illi-  
3 nois, in any court having jurisdiction, and it shall be the duty of the State's  
4 attorney of the county where such offense is committed to prosecute all persons  
5 violating the provisions of this Act upon proper complaint being made. All  
6 penalties collected under the provisions of this Act shall inure to the Illinois  
7 State Board of Osteopathy.

**AMENDMENTS TO**

**46th Assem.      Senate Bill No. 214 in House      May 1909**

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**AMENDMENT NO. 1.**

Amend Senate Bill No. 214 by striking out the word "provided" in line twelve of section 1 of said bill and all of lines thirteen, fourteen and fifteen.

**AMENDMENT NO. 2.**

Amend Senate Bill No. 214 by striking out the word "written" in line one of section four of the said bill.

**AMENDMENT NO. 3.**

Amend Senate Bill No. 214 by inserting after the word "is" in line thirty-four of section 4 of said bill the word "legally."

**AMENDMENT NO. 4.**

Amend Senate Bill No. 214 by striking out all of lines fifty-three to fifty-nine inclusive, in section 4 of said bill.

**AMENDMENT NO. 5.**

Amend Senate Bill No. 214 by striking out lines fifteen and sixteen in section 12 of said bill.

**AMENDMENT NO. 6.**

Amend Senate Bill No. 214 by changing the number of "section 13" of said printed bill so that section will be numbered "section 14."

## AMENDMENT NO. 7.

Amend Senate Bill No. 214 by adding a new section to said bill to be known as "section 13," to read as follows:

Sec. 13. It shall be unlawful for any osteopath licensed under this Act to assume or use or apply to himself the title of "Doctor" unless such title be qualified by the term "Osteopath," or "Osteopathist." It shall furthermore be unlawful for any osteopath licensed under the provisions of this Act to assume, use or apply to himself the title of "physician."

## AMENDMENT NO. 8.

Amend Senate Bill No. 214 by striking out in line 24 the words "minor surgery."

## AMENDMENT NO. 9.

Amend Senate Bill No. 214 by striking out in lines 35 and 36 of the printed bill the words "and such other subject as the board may require."



1   Reported from Senate April 1, 1909.

2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act authorizing cities, towns and villages to construct and protect public beaches and bathing places over and upon the beds of public waters adjoining public parks and playgrounds.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any city, town or village owning, or which  
3 may hereafter own, any public park or playground bordering upon any public  
4 waters in this State, shall have the power to extend and improve such public  
5 park or playground, for the purpose of constructing a public beach or bathing  
6 place over and upon the bed of such public waters, and to protect such pub-  
7 lic beach or bathing place by building breakwaters or piers: *Provided, how-*  
8 *ever,* that no such extension, improvement or protection shall be made which  
9 will interfere with the practical navigation of such public waters without due

10 authority of the proper official of the United States government having con-  
11 trol thereof.

Sec. 2. All Acts or parts of Acts in conflict herewith are repealed.

Sec. 3. WHEREAS, An emergency exists, therefore, this Act shall take effect  
2 and be in force from and after its passage.

1 Reported from Senate, April 22, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act concerning the proof of ordinances of any municipality which, or any part of which, heretofore has been or hereafter may be annexed to another municipality.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* All ordinances of any municipality which, or any  
3 part of which, heretofore have been or hereafter may be, annexed to another  
4 municipality, when printed in book or pamphlet form, and purporting to be  
5 published by authority of the board of trustees or city council of such last  
6 mentioned municipality, shall be received in all courts and places, without  
7 further proof, as *prima facie* evidence of the passage and legal publication of  
8 such ordinances as of the dates mentioned in such book or pamphlet: *Pro*  
9 *vided*, that the publication of any such ordinance shall not be so proved un-  
10 less the date of the publication of the ordinance is printed in such book or  
11 pamphlet.





- 1   Reported from Senate, May 20, 1909.
- 2   Read a first time, ordered printed and referred to Committee on Appropriations.

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**A BILL**

For an Act making an appropriation in aid of the Illinois State Horticultural Society.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be, and is hereby, appropriated for the  
3 use of the Illinois State Horticultural Society, the sum of five thousand dollars  
4 (\$5,000.00) per annum, for the purpose of advancing the growth and develop-  
5 ment of the horticultural interests of the State for the years 1909 and 1910,  
6 said sum to be expended by said society for the purpose and in the manner  
7 specified in "An Act to organize the Illinois State Horticultural Society,"  
8 approved March 24, 1874: *Provided, however,* that no portion thereof shall  
9 be paid for or on account of any salary or emolument of any officer of said  
10 society, except the secretary, who may receive not to exceed four hundred dol-

11 lars per annum: *And, provided, further,* that one thousand dollars (\$1,000.00)  
12 of said sum may be expended each year in field experiments.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrant upon the State Treasurer for the sum in this Act specified, on bills of  
3 particulars, certified to by the officials of said society, to the order of the presi-  
4 dent of said society, and the State Treasurer shall pay the same out of any  
5 funds in the treasury not otherwise appropriated.

- 1 . Reported from Senate, April 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 2, 3 and 5 of an Act entitled "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named," filed June 4, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3 and 5 of an Act entitled "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named," filed June 4, 1907, in force July 1, 1907, be amended to read as follows

7      Sec. 2. That all gardeners, horticulturists, nurserymen, superintendents of  
8 public parks, and other growers of or dealers in plants of any kind upon their

own lands, upon leased lands or premises, or upon public parks or highways shall free and keep freed all plants, shrubs, trees, vines, cuttings, scions, buds, stocks or other plant parts grown, cultivated, or dealt in by them, from all injurious insects and fungus pests, which are liable to spread from the plants or premises infested to other plants on the public highways or upon lands belonging to other owners, and all plants, shrubs, trees, or parts of such so infested are hereby declared to be a nuisance to be abated as hereinafter prescribed; and their maintenance, after notice as hereinafter set forth, is hereby declared a misdemeanor punishable as provided in section 5 of this Act. If the State Entomologist shall have reason to suppose that any nursery, orchard, fruit plantation, or other property or place in this State, is infested by dangerous insects or infected with contagious plant disease, he shall have power to inspect or to cause to be inspected, from time to time, such nursery, orchard, fruit plantation, or other property, and for the purposes of such inspection he and his assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse, or other building or place used for the growing, storage, packing or sale of trees, plants or fruits; and if the State Entomologist shall find, by inspection as aforesaid, that any person, firm, or corporation is maintaining a nuisance as described in this section, he shall notify in writing the owner or occupant of the premises containing the nuisance so disclosed of the fact that such nuisance exists. He shall include in such notice a statement of the conditions constituting such nuisance, an order that the same be abated within a specified time, and a direction, written or printed, pointing out the methods which should be taken to abate the same. Such notice or order may be served personally, or by depositing the same in the post office, properly stamped, addressed to the owner or occupant of the land or premises upon which such nuisance exists, and the direction for treatment may consist of a printed circular, bulletin, or report of the State Entomologist or of the Agricultural Experiment Station, or an extract from the same. If the person so notified



38 shall refuse or fail to abate said nuisance in the manner and within the time  
39 prescribed in said notice, the State Entomologist may cause such nuisance to be  
40 abated, and he shall certify to the owner or person in charge of the premises  
41 the cost of abatement, and if not paid to him within sixty days thereafter the  
42 same may be recovered, together with the cost of action, before any court in  
43 the State having competent jurisdiction. In case the notice and order served  
44 as aforesaid shall direct that any growing plant, shrub, or tree, shall be de-  
45 stroyed, and the owner or grower of such plant, shrub, or tree shall consider  
46 himself aggrieved by such order, he shall have the privilege of appeal, within  
47 three days of the receipt of the notice, to the county court of the county in  
48 which said property is situated. The appeal shall be made in like manner as  
49 appeals are taken to the county court from the judgments of justices of the  
50 peace. Written notice of such appeal served by mail upon the State Entomolo-  
51 gist shall operate to stay all proceedings until the decision of the county court,  
52 who may, after investigating the matter, reverse, modify, or confirm the order  
53 of the State Entomologist. Such decision shall then become the order of the  
54 State Entomologist, who shall serve the same as hereinbefore set forth, and shall  
55 fix a time within which such decision must be carried out. Any person, firm,  
56 or corporation failing to obey an order of the State Entomologist, made and  
57 served as prescribed in this section, within the period of time therein specified,  
58 shall be deemed guilty of a misdemeanor and liable to punishment as pre-  
59 scribed in section 5 of this Act.

60       Sec. 3. Whenever any trees, shrubs, plants or vines are shipped from place  
61 to place in this State, or shipped into this State from another state, country or  
62 province, every car, box, bale, bundle, package or piece thereof shall be plainly  
63 labeled on the outside with the name of the consignor, the name of the con-  
64 signee, and a certificate signed by a state or government inspector showing that  
65 the contents have been inspected by such inspector, or by his authority since

66 the first day of July last preceding, and that the trees, vines, shrubs, and plants,  
67 there present and therein contained, appear free from all dangerous insects  
68 and diseases. Whenever any trees, shrubs, vines, or plants arrive in this State  
69 without such certificate plainly fixed on the outside of the package, box or car  
70 containing the same, the facts must be reported within twenty-four hours to the  
71 State Entomologist by the railroad, express or steamboat company, or other per-  
72 son or persons carrying the same, and it shall be unlawful to deliver any such  
73 property until it has been inspected by the State Entomologist or his assistant and  
74 by him certified to be free from dangerous insects or contagious diseases. Any  
75 person receiving nursery stock brought into this State from outside this State,  
76 and not accompanied by a valid certificate as above prescribed, shall at once  
77 notify the State Entomologist of that fact, and shall not allow such uncertified  
78 stock to leave his possession until it has been inspected and released by the  
79 State Entomologist or his assistant. Any agent of any railroad, steamboat or  
80 express company or any other person or persons carrying such property as afore-  
81 said, or any consignee of such property, who shall fail to give notice to the State  
82 Entomologist as above required shall be deemed guilty of a violation of this Act,  
83 and subject to the penalties prescribed in section 5.

84       Sec. 5. Any person who shall violate the provisions of this Act with refer-  
85 ence to the sale, shipment, delivery, receipt, or transportation of nursery stock,  
86 or with reference to the use, alteration, or defacement of a certificate of in-  
87 spection relating to the same, or who shall remove, without the written per-  
88 mission of the State Entomologist, infested or infected property concerning  
89 whose condition he has received official notice from the Entomologist, or who  
90 shall maintain a nuisance as described in section 2 of this Act, after notice by  
91 the State Entomologist and direction for its abatement, or who shall offer any  
92 hindrance or resistance to the carrying out of this Act, shall be adjudged  
93 guilty of a misdemeanor, and upon conviction before a justice of the peace shall

94 be fined not less than twenty-five dollars and not more than one hundred dol-  
95 lars for each and every offense, together with all costs of the procedure, and  
96 shall stand committed until the same is paid. It shall be the duty of the State  
97 Entomologist to furnish to the State's attorney all information in his  
98 possession concerning violations of this Act, and the State's attorney shall  
99 prosecute such violations of this Act, and amounts so recovered shall be paid  
100 into the treasury of the State.





- 1   Reported from Senate April 22, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the setting apart, formation and disbursement of a house of correction employes' pension fund in cities having a population exceeding 50,000 inhabitants.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the board of inspectors of the various houses  
3 of correction, organized under an Act of the General Assembly of the State of  
4 Illinois entitled, "An Act to establish houses of correction and authorize the  
5 confinement of convicted persons therein," approved April 25, 1871, and in  
6 force July 1, 1871, and maintained thereunder in cities having a population  
7 exceeding 50,000 inhabitants, shall have power, and it shall be its duty to  
8 create a house of correction employes' pension fund, which shall consist of 2  
9 per cent of the salaries or wages of the employes, deducted in equal monthly

10 installments from such salaries or wages at the regular time or times of the  
11 payment thereof.

Sec. 2. The term "employee," under this Act, shall include all persons in  
2 the employ of any such house of correction receiving a stipulated salary or  
3 wage per annum, and this Act shall apply only to those employees who volun-  
4 tarily accept and agree to comply with its provisions. Any employee, a part of  
5 whose salary may be set apart hereafter to provide for the fund created by this  
6 Act, may be released from the necessity of making further payments to said  
7 fund by filing a written notice of his or her desire to withdraw from complying  
8 with the provisions of this Act with the board of trustees hereinafter mentioned,  
9 which resignation shall operate and go into effect immediately upon its receipt  
10 by said board of trustees.

Sec. 3. The city treasurer, subject to the control and direction of the board  
2 of trustees hereinafter mentioned, shall be the custodian of said pension fund  
3 and shall secure and safely keep the same and shall keep books and accounts  
4 concerning said fund in such manner as may be prescribed by said board of  
5 trustees, which said books and accounts shall always be subject to the inspec-  
6 tion of said board of trustees, or any member thereof. The city treasurer shall,  
7 within ten days after his election or appointment, execute a bond to the city,  
8 with good and sufficient sureties, in such penal sum as the said board of trustees  
9 shall direct, which said bond shall be approved by said board of trustees, and  
10 shall be conditioned for the faithful performance of the duties of said office,  
11 and that he will safely keep and well and truly account for all moneys belong-  
12 ing to said pension fund, and all interest thereon, which may come into his hands  
13 as such treasurer, and on the expiration of his term of office, or upon his re-  
14 tirement therefrom for any cause, he will surrender and deliver over to his  
15 successor all unexpended moneys, with such interest as he may have received

16 thereon, and all property which may have come into his hands as treasurer of  
17 said pension fund. Such bond shall be filed in the office of the city clerk of said  
18 city for the use of said board of trustees, or any person or persons injured by  
19 such breach.

Sec. 4. The board of inspectors of any such house of correction shall, in  
2 the month of September immediately following the date of this Act going into  
3 effect, arrange for the election of a board of trustees of said pension fund, com-  
4 posed of five members to be chosen as hereinafter provided, which election shall  
5 be held not later than two months after this Act goes into effect. Said board of  
6 trustees shall have power, and it shall be its duty to administer said fund and to  
7 carry out the provisions of this Act and for the purpose of enabling such board of  
8 trustees to perform the duties imposed and exercise the powers created by this  
9 Act, the board of trustees shall be and is hereby created a body politic and cor-  
10 porate, and said board of trustees may invest the accumulation of said funds  
11 in government, State, county or municipal bonds and the city treasurer shall be  
12 the custodian of said securities."

Sec. 5. The said board of trustees shall consist of the chairman of the board  
2 of inspectors and the superintendent of the house of correction, two employes  
3 contributing to the fund and one other member of said board of inspectors, the  
4 chairman of said board of inspectors and the superintendent of the house of  
5 correction shall be *ex officio* members of such board of trustees, and three other  
6 members of such board of trustees shall be elected by ballot by the employes con-  
7 tributing to said fund at the time and for the terms respectively as follows:  
8 At the first election the contributors to said fund shall elect one of their num-  
9 ber to serve for the term of one year, and one of their number to serve for  
10 the term of two years and annually thereafter said contributors shall elect one  
11 of their number to hold office for the term of two years. At each election the

12 contributors shall elect a member of the board of inspectors of the house of cor-  
13 rection to serve as a member of such board of trustees for a term of one year.

Sec. 6. Whenever any elective member of said board of trustees shall  
2 cease to be in the employ of or to be a member of said board of inspectors of  
3 said house of correction, his or her membership in said board of trustees shall  
4 cease. All vacancies in said board of trustees shall be filled by ballot of the  
5 contributors to said pension fund.

6 Said board of trustees shall have power and it shall be its duty:

7 (1) To make all payments from said pension fund pursuant to the pro-  
8 visions of this Act.

9 (2) To administer and invest, to purchase, hold, sell or assign and trans-  
10 fer any part of said pension fund remaining in the hands of said treasurer, or  
11 any of the securities in which said fund, or any part thereof, may be invested.  
12 subject to the approval of the majority of the contributors to the said pension  
13 fund.

14 (3) To pay all necessary expenses in connection with the administration of  
15 said fund and in carrying out the provisions of this Act for which provisions  
16 are not otherwise made.

17 (4) The annuity to be paid shall be the sum of four hundred and eighty  
18 dollars (\$480) per annum for each and every beneficiary of said pension fund.  
19 the said annuity to be paid in equal monthly installments.

20 (5) To take, by gift, grant or bequest, or otherwise, any money or prop-  
21 erty of any kind and hold the same for the benefit of said fund.

22 (6) To exempt any of said employes from the operation of this Act, when-  
23 ever in its judgment the interests of said fund shall render such exemption  
24 necessary and advisable, subject to the approval of the said contributors of the  
25 pension fund.



26 (7) To make and establish all such rules for the transaction of its busi-  
27 ness and such other rules, regulations and by-laws as may be necessary for the  
28 proper administration of said fund committed to its charge, and the perform-  
29 ance of the duties imposed upon it.

30 (8) It shall keep full and complete records of its meetings and of the re-  
31 ceipts and disbursements on account of such fund, and also complete lists of  
32 all contributors to said fund, and of all annuitants receiving benefits therefrom,  
33 and such other records as in its judgment shall seem necessary and shall make  
34 and publish annually a full and complete statement of its financial transactions.

35 (9) Said board shall hear and determine all applications for benefits under  
36 this Act, and shall have power to suspend any annuity whenever in its judg-  
37 ment the disability of such beneficiary has ceased, or for other good cause, sub-  
38 ject to the approval of the majority of the contributors to said pension fund.

39 (10) To compromise, settle or liquidate any claim against said fund, by  
40 surrendering the contribution or contributions of any individual or individuals  
41 and make the necessary rules, prescribing the terms under which such settle-  
42 ments may be made, providing there shall be no rule allowing restitution of  
43 deductions from salaries after the contributor shall have become eligible to an  
44 annuity under this Act.

45 (11) To determine the amount to be paid as benefits or annuities under  
46 this Act and to increase or reduce the same in its discretion: *Provided*, that  
47 no benefit or annuity shall exceed six hundred dollars per year.

48 (12) To purchase, hold, sell or assign and transfer any of the securities  
49 in which said fund or any part thereof may be invested, subject to the ap-  
50 proval of the board of trustees.

Sec. 7. Any contributor to said fund who shall have attained the age of  
2 fifty (50) years, and shall have been in the service of said house of correction  
3 for a period of twenty (20) years, and shall have contributed to said fund for

4 the same period, shall have the right to retire and become a beneficiary under  
 5 this Act, and to receive the said benefit or annuity, which said benefit or an-  
 6 nuity shall be proportionate to the amount of the contribution of said employe.

Sec. 8. Upon the death of any contributor, the said board of trustees shall  
 2 pay the said annuity to the widow, as long as she remains the same of such de-  
 3 ceased contributor, and if there is no widow, said board of trustees shall pay said  
 4 annuity to the child or children of such deceased contributor, until such time  
 5 as the youngest child shall reach the age of sixteen (16) years, and if there be  
 6 no widow nor children the annuity shall be paid to the mother of such deceased  
 7 contributor as long as she may live.

Sec. 9. Any person who has been an employe of said house of correction  
 2 for a period of twenty (20) years or more, and is a contributor to said fund, may  
 3 retire from the service of said house of correction upon sixty (60) days' notice,  
 4 to be given to said board of trustees (unless such notice is waived by said  
 5 board of trustees) and become an annuitant under this Act: *Provided*, such  
 6 person shall have contributed to said fund for a period of not less than twenty  
 7 years or shall pay into the fund the equivalent of twenty (20) years' contribu-  
 8 tion thereto, and have attained the age of fifty (50) years.

Sec. 10. Any person who has contributed to said fund for a period of three  
 2 (3) years or more may retire from the service of said house of correction on  
 3 account of serious disability rendering him or her unable to properly discharge  
 4 his or her duties, upon ninety (90) days' notice to be given to the board of  
 5 trustees (unless such notice is waived by said board of trustees) and may be-  
 6 come an annuitant under this Act, and thereupon be entitled to receive said an-  
 7 nuity until such time as he or she shall be able to properly discharge his or her  
 8 duties or until death, when said board of trustees shall pay said annuity to the  
 9 widow, child or mother of the deceased contributor, as hereinbefore provided.

Sec. 11. Any employe who has contributed to said fund for three (3) years  
2 or more and who shall be dismissed or resign from the service of said house of  
3 correction, may, upon application made within three (3) months, after such dis-  
4 missal or resignation, receive one-half ( $\frac{1}{2}$ ) of the total amount paid into said  
5 fund by such person so dismissed or resigned.

Sec. 12. Any person in the employ of the house of correction at the time  
2 this Act is passed shall be eligible to become a contributor to said pension fund  
3 and shall be given credit for the time of his or her past service, upon the pay-  
4 ment of 2 per cent of the salary he or she has received while in such employ-  
5 ment.

Sec. 13. The chairman of the board of inspectors and the superintendent  
2 of the house of correction shall certify monthly to the treasurer all amounts  
3 deducted in accordance with the provisions of this Act from the salaries paid  
4 by the house of correction, which amounts, as well as all other sums contributed  
5 to said fund under the provisions of this Act, shall be set apart and held by said  
6 treasurer for the purpose hereinbefore specified, subject to the order of said  
7 board of trustees and shall be paid out upon warrants signed by the president  
8 and secretary of said board of trustees.

Sec. 14. All annuities granted under the provisions of this Act shall be ex-  
2 empt from attachment and garnishment process and no annuitant shall have the  
3 right to transfer or assign his or her annuity either by way of mortgage or  
4 otherwise.

Sec 15. Any person who shall directly or indirectly avoid or seek to avoid  
2 any or all the provisions of this Act, or who shall directly or indirectly inter-  
3 fere with, or obstruct the enforcement of any of the provisions of this Act,  
4 shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished

5 by a fine of not less than fifty dollars (\$50) and not exceeding one thousand  
6 dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding  
7 six (6) months, or both such fine and imprisonment in the discretion of the  
8 court.



- 1 Reported from Senate, April 15, 1909.
- 2 Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to amend section twelve (12) of an Act entitled, “An Act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith,” approved and in force June 22, 1893; as amended by Act approved May 16, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section twelve (12) of an Act entitled, “An Act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to

5 beneficiaries of deceased members or accident or permanent indemnity disability  
6 to members thereof; and to control such societies of this State and of other states  
7 doing business in this State, and providing and fixing the punishment for vio-  
8 lation of the provisions thereof, and to repeal all laws now existing which conflict  
9 herewith," approved and in force June 22, 1893; as amended by Act approved  
10 May 16, 1905, in force July 1, 1905, the same is hereby amended to read as follows:

11       Sec. 12. All corporations to which this Act is applicable, with their books,  
12 papers and vouchers, shall be subject to visitation and inspection by the Insur-  
13 ance Superintendent, or such person as he may designate.

14       The Insurance Superintendent may address any inquiries to any such cor-  
15 poration in relation to its doings or condition or any other matter connected  
16 with its transactions relative to the business contemplated by this Act.

17       All officers of such corporation shall promptly reply in writing to all such  
18 inquiries, under the oath of its president, secretary or other officers if required.

19       Any society refusing or neglecting to make the annual report, as provided  
20 in this Act, shall be excluded from doing business within this State.

21       Said Insurance Superintendent must, within sixty days after failure to  
22 make the annual report required by law, or in case any such society shall ex-  
23 ceed its powers or shall conduct its business fraudulently, or shall be three  
24 months in arrears in the payment of death or disability claims after the  
25 same have been allowed by the board of directors or other person or  
26 persons whose duty it is to pass upon such claim; or after one year's  
27 existence, shall have a membership of less than three hundred; or shall  
28 fail to comply with any of the provisions of this Act, immediately commence  
29 or cause to be commenced an action against such society to enjoin the same  
30 from carrying on any business; and an injunction may be granted, upon  
31 proper showing by the Insurance Superintendent, in any court of competent  
32 jurisdiction in this State: *Provided, however,* that no injunction against any

society within this State, or application for or appointment of a receiver, or action to prevent any such society from carrying on business in this State shall be made or granted by any court, except on the application of the Insurance Superintendent or of a judgment creditor, and after written notice duly made and served upon the chief executive officer of such society within this State, or if incorporated under the laws of another state then such notice may be served by sending the same to the president or secretary of the society by registered mail at the home office of the society, and a full hearing before such court, whether the party seeking such relief be the State, member of such society or any other person whatsoever.

No society so enjoined shall have authority to continue business until such report shall be made or every act or violation complained of shall have been corrected, nor until the cost of such action shall be paid by it: *Provided*, the court shall find that such society was in default as charged, whereupon the Insurance Superintendent shall reinstate such society, and not until then shall such society be allowed to again do business in this State. Any officer, agent or person acting for any society or subordinate body thereof within this State and who shall transact any business for such society contrary to the provisions of such injunction or prohibition while such society shall be so enjoined or prohibited from doing business pursuant to this Act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both fine and imprisonment, in the discretion of the court, the provisions hereof to be in effect on and after July 1, 1910.





- 1 Reported from Senate March 31, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section one of an Act entitled, "An Act to provide for making improvements and repairs upon highways adjoining public parks and pleasure grounds," approved and in force April 22, 1907, and to add thereto three new sections, to be known as sections 2, 3, and 4.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section one of the Act entitled, "An Act to  
3 provide for making improvements and repairs upon highways adjoining pub-  
4 lic parks and pleasure grounds," approved and in force April 22, 1907, be  
5 amended so as to read as follows, and to add to said Act three new sections to  
6 be known as sections 2, 3 and 4.

7 Sec. 1. That whenever any public street, avenue or alley, under the con-  
8 trol of any city, town or village, adjoins any public park or pleasure ground  
9 under the control of any public park commissioners and is in need of improve-

10 ments or repairs, it shall be competent for said park commissioners and said  
11 city, town or village, from time to time, to enter into an agreement for the  
12 payment to such city, town or village by said park commissioners of such por-  
13 tion of the cost of said improvements or repairs as may, in the judgment of  
14 said commissioners, be of benefit to said park or pleasure ground, or to enter  
15 into an agreement for the taking of such portion of said improvements or re-  
16 pairs by said commissioners.

Sec. 2. In case such an agreement shall have been entered into, the commis-  
2 sioners having the control of such park or pleasure ground or the corporate au-  
3 thorities of the town within which such park or pleasure ground may be situ-  
4 ated, shall have the power to pay for such portion of the cost of such improve-  
5 ments or repairs out of the general revenues of such board of park commis-  
6 sioners or corporate authorities controlling any such park or pleasure ground  
7 or by the issue and sale from time to time of interest bearing bonds: *Provided,*  
8 no bonds shall be issued under this Act contrary to the provisions of section 12  
9 of article IX of the constitution of this State: *And, provided, further,* that the  
10 total amount of said bonds to be so issued shall not exceed the sum of five hun-  
11 dred thousand (\$500,000.00) dollars, and authority is hereby expressly granted to  
12 the park commissioners or corporate authorities issuing such bonds to levy and  
13 collect a direct annual tax upon the property within the jurisdiction of such park  
14 commissioners or corporate authorities, in addition to any tax now authorized by  
15 law to be levied and collected by them, sufficient to pay the interest on said  
16 bonds as it falls due, and also to pay and discharge the principal thereof with-  
17 in twenty (20) years from the date of issuing said bonds; and the county clerk  
18 of the county in which such park district or town is located, or such other officer  
19 or officers as are by law authorized to spread or assess taxes for park purposes.  
20 on receiving a certificate from such park commissioners or corporate authorities  
21 that the amount mentioned in such certificate is necessary to pay the interest

22 on said bonds, and also to pay and discharge the principal thereof, within  
23 twenty (20) years from the date of issuing said bonds, shall spread and assess  
24 such amount upon the taxable property embraced in said park district or town,  
25 the same as other park taxes are by law spread and assessed, and the same shall  
26 be collected and paid over as other park taxes are required by law to be col-  
27 lected and paid.

Sec. 3. The remainder of the cost of making such improvements or repairs  
2 shall be raised by said city, town or village by general taxation or special assess-  
3 ment, or partly by general taxation and partly by special assessment, as said city,  
4 town or village may determine.

Sec. 4. Park commissioners having the control of any public park or pleasure  
2 ground adjoining any street, avenue or alley under the control of any city,  
3 town or village, shall have the power under this Act to pay to such city, town  
4 or village such sum or sums of money, out of the proceeds of the sale of said  
5 bonds, not to exceed, however, a total amount of one hundred thousand (\$100,-  
6 000.00) dollars, as may be necessary for the purpose of discharging any valid  
7 existing indebtedness of such park commissioners arising from any agreement  
8 or agreements made by such commissioners with such city, town or village  
9 prior to the adoption of this Act, for the improvement and repair of any such  
10 public street, avenue or alley.

Sec. 5. WHEREAS, An emergency exists, this Act shall take effect and be  
2 in force from and after its passage.





- 1   Reported from Senate April 9, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act defining itinerant vendors of goods, wares and merchandise, regulating and licensing such itinerant vendors, and providing penalties for violations of the provisions of this Act.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* The words "itinerant vendors" for the purposes of  
3 this Act, shall be construed to mean and include all persons both principals and  
4 agents who engage in a temporary or transient business in this State, either in  
5 one locality or in traveling from place to place selling goods, wares and mer-  
6 chandise, and who for the purpose of carrying on such business, hire, lease or  
7 occupy any building or structure for the exhibition or sale of such goods, wares  
8 and merchandise. No itinerant vendor shall be relieved or exempted from the  
9 provisions or requirements of this Act by reason of associating himself tempo-  
10 rarily with any local dealer, trader, merchant or auctioneer, or by conducting

11 such temporary or transient business in connection with, or as a part of, or in  
12 the name of any local dealer, trader, merchant or auctioneer.

Sec. 2. The provisions of this Act shall not apply to sales made to dealers  
2 by commercial travelers, nor to selling agents in the usual course of business, nor  
3 to *bona fide* sales of goods, wares and merchandise by sample, for future de-  
4 livery, nor to hawkers on the streets, nor to peddlers on foot or from vehicles.

Sec. 3. Every itinerant vendor who shall sell or expose for sale at public  
2 or private sale, any goods, wares and merchandise without State or local li-  
3 censes, therefor, issued as hereinafter provided, shall be guilty of a misde-  
4 meanor and shall be punished for each offense by fine, not exceeding one hun-  
5 dred dollars, or by imprisonment not exceeding ninety days, or by both fine  
6 and imprisonment.

Sec. 4. All persons, both principals and agents who shall by circular, hand  
2 bill, newspaper or in any other manner, advertise any such sales as those re-  
3 ferred to in the section last preceding, before proper license shall be issued to  
4 the vendor, shall be guilty of a misdemeanor and shall be punished by fine not  
5 exceeding one hundred dollars or by imprisonment not exceeding ninety days, or  
6 by both fine and imprisonment.

Sec. 5. It shall be the duty of every itinerant vendor whether principal  
2 or agent, before commencing business, to take out a State license and local li-  
3 cense, in the manner hereinafter set forth, but nothing herein contained shall  
4 effect the right of any municipality to make such regulations, relating to itin-  
5 erant vendors, as may be permissible under the laws of this State and their re-  
6 spective charters.

Sec. 6. Every itinerant vendor desiring to do business in this State, shall  
2 make application for license to the Secretary of State and such license when

3 issued, shall be good for the term of one year from the date thereof. Before  
4 such license shall issue, he shall pay to the Secretary of State, a State license  
5 fee of one hundred dollars and shall enter into bond to be approved by the Sec-  
6 retary of State in the sum of \$2,000.00, payable to the People of the State of  
7 Illinois for the use of any municipality in which such itinerant vendor shall carry  
8 on or undertake to carry on any such business. The conditions of the bond shall  
9 be that the said itinerant vendor shall comply with all of the laws and or-  
10 dinances of any such municipality where he shall so undertake to carry on any  
11 such business, and that he will comply with all the laws of the State of Illi-  
12 nois relating to itinerant vendors. Such bond shall be filed in the office of the  
13 Secretary of State. On compliance with the above, the Secretary of State shall  
14 issue to him, an itinerant vendor's license authorizing him to do business in  
15 this State in conformity with the provisions of this Act. Every license shall set  
16 forth a copy of the application on which it is granted. Such license shall not  
17 be transferable nor give authority to more than one person to sell goods as an  
18 itinerant vendor, either by agent or clerk, or in any other way than in his own  
19 proper person, but any license may have the assistance of one or more persons  
20 in conducting his business who shall have authority to aid their principal but not  
21 to act for or without him. No person shall be entitled to hold, directly or in-  
22 directly, receive the benefit of more than one license at any one time, and any  
23 license so obtained, held or used, is void.

Sec. 7. All applications for State licenses shall be sworn to and shall dis-  
2 close the names and residence of the owners or parties in whose interest such  
3 business is conducted and shall be kept on file by the Secretary of State and a  
4 record shall be kept by him of all licenses issued upon such applications. All  
5 files and records of the Secretary of State and of the cities and villages relating  
6 to such licenses, shall be in convenient form and open to public inspection.

Sec. 8. Every itinerant vendor intending to sell goods in any city or village, shall file his State license and an application for a local license with the clerk of any such city or village, together with a certificate of the treasurer of such city or village that any license fee provided for by the ordinances of such city or village have been paid and before selling, offering or exposing for sale any goods in such city or village, shall pay to the treasurer thereof for the use thereof, as a further local license fee, for such sale in such municipalities, a sum to be computed as provided in the next section. A receipt for such local license fee when paid shall be endorsed by such clerk on the back of such State license, which shall remain on file with such clerk so long as such sale shall continue or such goods shall be kept or offered for sale in such municipality. Every application for local license shall be signed by the holder of the accompanying State license and shall specify the kind and line of goods then in stock in such municipality, the name of the municipality from which said goods were last exposed or offered for sale. Such local license fee shall be computed and collected in each municipality respectively in which such goods shall be successfully offered or exposed for sale.

Sec. 9. The clerk of any city or village who shall receive an application in due form as provided in the last preceding section, accompanied by the applicant's State license, shall forthwith give notice thereof to the mayor of the city or the president of the village and the treasurer thereof. Such mayor or president and treasurer shall, as soon as practical thereafter, examine the stock of goods described in such application, and shall compute and certify to such clerk the amount of such applicant's local license fee which shall be a percentage on the one-fifth value of such stock, equal to the rate per cent of the last preceding tax levy of such municipality for all purposes except for State and county purposes. The payment of such local license fee to such clerk shall authorize such applicant who has complied with all other require



ments of law to sell within the limits of such city or village such goods, wares and merchandise as are described in his application, and for that purpose to carry in stock in said city or village goods only of the kind or line specified in his application and not to exceed in amount at any one time the valuation on which his local license fee for such municipality was computed, and to continue in force so long as such licensee shall in good faith continuously keep, offer and expose for sale in the municipality the same kind or line of goods specified in his application, except that such license and authority shall expire with his State license.

Any itinerant vendor who, after applying or paying for a local license, shall increase his stock offered or exposed for sale in the municipality, for which such local license fee was paid, above the valuation on which said license fee was computed without first making seasonable application to the clerk of such municipality for a supplemental license for such excess of stock, shall be fined not less than \$20 nor more than \$50 and forfeit his State license. Supplemental licenses shall be applied for and the fee therefor computed, certified and collected in the manner provided for local license fees.

Sec. 10. Whoever, as proprietor or clerk, having in his care, custody or keeping any goods for the sale of which a local license is required, neglects or refuses to file the application for local license required by law, or whoever makes a false or fraudulent representation or statement in any application for local license shall be fined not less than \$20 nor more than \$50 for each day such goods are kept, offered or exposed for sale. The penalties provided for in this Act are not to be construed as substitutes for payment of local license fees.

Sec. 11. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, testator, executor

3 administrator, receiver, wholesale or manufacturer or closing out sale, or as a  
4 sale of any goods damaged by fire, smoke, water or otherwise, or in any simi-  
5 lar form, unless he shall, before so doing, state under oath to the Secretary of  
6 State, either in the original application for a State license or a supplementary  
7 application subsequently filed, and copy on the license all of the facts relating  
8 to the reason and character of such sales so advertised or represented, includ-  
9 ing a statement of the names of the persons from whom such goods were ob-  
10 tained and all detailed information necessary to identify such goods.

Sec. 12. Any false statement in an application, either original or supple-  
2 mental for license, shall subject such applicant to a fine of not to exceed \$100  
3 and his license shall be revoked.

- 1   Reported from Senate, April 21, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act making appropriations for the State Charitable Institutions herein  
named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the following sums be and are hereby appropri-  
ated to the State institutions named in this Act, for the purposes herein stated.  
The sum of \$35,500, and that the appropriations shall be apportioned between  
the institutions and shall be payable as herein stated, as follows:

To the Illinois Northern Hospital for the Insane, Elgin—

For maintenance until July 1, 1909..... .. \$15,000.00

To the Illinois Eastern Hospital for the Insane, Kankakee—

For completing, furnishing and equipping Psychopathic Hospital... \$20,500.00

Sec. 2. The moneys herein appropriated shall be due and payable to the  
2 trustees of the institutions herein named, or their order, only on the terms and  
3 in the manner now provided by law.

Sec. 3. WHEREAS, The items of expenditures herein above provided for are  
2 absolutely necessary and the appropriations therefor should be made at once,  
3 therefore an emergency exists and this Act shall take effect and be in force  
4 from and after its passage.



- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to regulate the civil service of counties.

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SECTION 1. CREATION OF COMMISSION—OATH.] *Be it enacted by the People of*  
2 *the State of Illinois, represented in the General Assembly:* That in all counties  
3 of this State containing one hundred and fifty thousand or more inhabitants,  
4 there is hereby created and established a civil service commission, consisting  
5 of three persons, not more than two of whom shall be members of the same po-  
6 litical party, at the time of appointment, whether said appointment be ori-  
7 ginal or to fill vacancies. Said commissioners shall hold no other lucrative  
8 office or employment under the United States, the State of Illinois, or any  
9 municipal corporation, or political division thereof. Each commissioner, be-  
10 fore entering upon the duties of his office, shall take the oath prescribed by the  
11 constitution of this State.

Sec. 2. COMMISSIONERS APPOINTED—VACANCIES.] The president or chairman,  
 2 as the case may be, of the county board shall, within thirty days after this Act  
 3 shall become operative in any county to which it shall be applicable, appoint  
 4 three persons who shall constitute and be known as the county civil service com-  
 5 mission, one for a term ending one year from the date of appointment, one for  
 6 a term ending two years from the date of appointment and one for a term end-  
 7 ing three years from the date of appointment, and until their respective suc-  
 8 cessors are appointed and qualified, and at the respective dates of expiration of  
 9 the terms above prescribed, or as soon thereafter as practicable, the president  
 10 or chairman, as the case may be, shall appoint one person as the successor of  
 11 the commissioner whose term shall then expire, to serve as such commissioner  
 12 for three years and until his successor is in like manner appointed and quali-  
 13 fied, and all appointments of commissioners thereafter, except to fill vacancies.  
 14 shall be for three years. Any vacancy in the office of civil service commis-  
 15 sioner shall be filled by appointment by the president or chairman, as the case  
 16 may be. Two members of said commission shall constitute a quorum.

Sec. 3. REMOVAL OF COMMISSIONERS.] The president or chairman of such  
 2 board, as the case may be, may remove any commissioner for incompetence,  
 3 neglect of duty or malfeasance in office: *Provided, however,* that at least five  
 4 days before such removal said president or chairman, as the case may be, shall  
 5 give written notice to the county board at a meeting thereof and to the commis-  
 6 sioner proposed to be removed, of his intention to remove such commissioner,  
 7 together with his reason therefor.

Sec. 4. CLASSIFICATION.] Said commissioner shall classify all the offices  
 2 and places of employment in such county with reference to the examinations  
 3 hereinafter provided for, except those offices and places of employment ex-  
 4 empted in section 5 of this Act. The offices and places so classified by the com-

mission shall constitute the classified civil service of such county, and no appointments to any of such offices or places shall be made, nor shall any person be employed therein, except under and according to the rules hereinafter mentioned: *Provided, however,* that all attending physicians and surgeons, who serve without compensation, in any public institution in such county devoted to the care and treatment of the sick, poor and insane, and who are hereby made a part of the classified service of such county, shall be appointed for a term of six years only, and that the physicians and surgeons usually designated as internes, who are also hereby made a part of the classified service of such county, shall be appointed for a term of eighteen months only: *And, provided, further,* that there may also, at the discretion of such county board, be a consulting staff of physicians and surgeons, which staff shall be appointed by the president or chairman, as the case may be, subject to the approval of such county board, and that such county board, in its discretion, may contract with any training school of recognized standing for the nursing of any or all of the sick, poor and insane of such county.

Sec. 5. EXEMPTIONS FROM THE CLASSIFIED SERVICE.] The following offices and places of employment, insofar as there are or may be such in such counties, shall not be included within the classified service, namely:

1. All elective offices.

2. One assistant sheriff, one assistant treasurer, one chief deputy for each of the following officers: The coroner, the county clerk, the recorder of deeds, each of the clerks of courts of record of such county, one chief clerk for the board of assessors, one chief clerk for the board of review, and one private secretary for the president or chairman of such county board, as the case may be.

3. Assistant State's attorneys.

12        4. The county attorney, the superintendent of public service, the warden  
 13 of the county hospital, the superintendent of the insane' asylum, the superin-  
 14 tendent of the poorhouse, the county agent, the county physician, the county  
 15 architect in counties having such officers or employes, who shall be appointed  
 16 by the president or chairman, as the case may be, of such county board, with  
 17 the advice and consent of such county board.

18        5. The commission may, in its discretion, by special order signed by every  
 19 member of the commission, after a public hearing, exempt from the classified  
 20 service for a specified period of time, employes who habitually handle large  
 21 sums of money, but not to exceed two such employes for any officer.

Sec. 6. RULES.] Said commission shall make rules to carry out the pur-  
 2 poses of this Act, and for examinations, appointments, transfers and removals  
 3 in accordance with its provisions, and for the proper discipline and conduct  
 4 of persons in such classified service, and the commission may, from time to  
 5 time, make changes in the rules.

Sec. 7. PUBLICATION OF RULES.] All rules made as herein provided, and  
 2 all changes therein, shall forthwith be printed for distribution by said commis-  
 3 sion; and the commission shall give notice of the place or places where said  
 4 rules may be obtained, by publication in one or more daily newspapers pub-  
 5 lished in such county, and in each such publication shall specify the date, not  
 6 less than ten days subsequent to the date of such publication, when said rules  
 7 shall go into operation.

Sec. 8. EXAMINATIONS.] All applicants for offices or places in said classi-  
 2 fied service, except those mentioned in the fifth section of this Act, shall be sub-  
 3 jected to examination which shall be public, competitive and free to all citizens  
 4 of the United States, with specified limitations as to residence, age, sex, health,  
 5 habits and moral character. The commission may conduct examinations where-



6 ever it may deem expedient. Such examinations shall be practical in their  
7 character, and shall relate to those matters which will fairly test the relative  
8 capacity of the persons examined to discharge the duties of the positions to  
9 which they seek to be appointed, and shall include tests of physical qualifica-  
10 tions and health, and, when appropriate, of manual skill. No question in any  
11 examination shall relate to political or religious opinions or affiliations. The  
12 commission shall control all examinations and may, whenever an examination  
13 is to take place, designate a suitable number of persons, either in or not in  
14 the official service of the county, to be examiners, and it shall be the duty of  
15 such examiners, and if in the official service it shall be a part of their official  
16 duty without extra compensation to conduct such examinations as the commis-  
17 sion may direct, and to make return and report thereof to said commission,  
18 and the commission may at any time substitute any other person whether or  
19 not in such service in the place of any one so designated, and the commission  
20 may, themselves, at any time act as such examiners and without appointing  
21 examiners. Examiners at any examination shall not all be members of the same  
22 political party. Said commission shall provide for and shall hold a sufficient  
23 number of examinations to provide a sufficient number of eligibles on the reg-  
24 ister for each class of positions or places of employment in the classified serv-  
25 ice; and if any place in the classified service becomes vacant to which there is  
26 no person eligible for appointment, the commission shall immediately hold an  
27 examination for such place and repeat the same if necessary until the vacancy  
28 is filled in accordance with the provisions of this Act. A true and perfect  
29 record and transcript of each examination shall be kept during the life of the  
30 eligible list resulting therefrom and shall always be subject to public in-  
31 spection

Sec. 9. NOTICE OF EXAMINATIONS.] Notice of the time and place and general  
2 scope of every examination shall be given by the commission by publication for

3 two weeks preceding such examination in a daily newspaper of general circu-  
 4 lation, published in the county, and such notice shall also be posted by the said  
 5 commission in a conspicuous place in its office for two weeks before such exam-  
 6 ination. Such further notice of examination may be given as the commission  
 7 shall prescribe.

Sec. 10. REGISTERS.] From the returns of reports of examiners, or from  
 2 the examinations made by the commission, the commission shall prepare a reg-  
 3 ister for each grade or class of positions in the said classified service of the  
 4 persons who shall attain such minimum mark as may be fixed by the commis-  
 5 sion for any part of such examination and whose general average standing  
 6 upon examination for such grade or class is not less than the minimum fixed  
 7 by the rules of said commission, and who are otherwise eligible; and such  
 8 persons shall take rank upon the register as candidates in the order of their  
 9 relative excellence as determined by examination, without reference to priority  
 10 of time of examination. Said commission may, in its discretion, cancel such  
 11 portion of such registers as has been in force for more than two years.

Sec. 11. APPOINTMENTS.] Whenever a position, classified under this Act,  
 2 is to be filled the appointing officer or officers shall make requisition upon  
 3 said commission, and said commission shall certify to the appointing officer or  
 4 officers the name and address of the candidate standing highest upon the reg-  
 5 ister for the class or grade to which said position belongs, except that in case  
 6 of laborers, where a choice by competition is impracticable, said commission  
 7 may provide by its rules that the selection shall be made by lot from among  
 8 those candidates proved fit by examination. Said appointing officer or officers  
 9 shall notify said commission of each position to be filled separately, and shall  
 10 fill such place by the appointment of the person certified to him or them by  
 11 said commission. In making such certification, sex shall be disregarded, ex-

cept where some statute, the rules of said commission or the appointing officer or officers specifies sex.

The appointing officer for all positions under such county board shall be the president or chairman, as the case may be, of such county board.

Sec. 12. PROMOTIONS.] The commission shall, by its rules, provide for promotions in such classified service, and shall provide that vacancies shall be filled by promotion in all cases where, in the judgment of the commission, it will be for the best interests of the service so to fill such vacancy. If, in the judgment of the commission, it is not for the best interests of the service to fill such vacancy by promotion then such vacancy shall be filled by an original entrance examination. All examinations for promotion shall be limited to such members of the next lower rank or grade as desire to submit themselves to such examination. The method of examination and the rules governing the same and the method of certifying in promotion shall be the same as provided for applicants for original appointment.

Sec. 13. TRANSFERS.] The commission may, by its rules, provide for transfers of employes in the classified service from positions in one office or department to positions of the same class and grade in another office or department.

Sec. 14. REMOVALS, REDUCTIONS AND SUSPENSIONS.] No officer or employe in the classified service who holds his position under the provisions of this Act shall be removed from the classified service or reduced in grade or compensation by the appointing power, except as hereinafter provided.

Whenever it will promote the efficiency of the service, removals from the classified service or reductions in grade or compensation, or both, may be made in any department of such service by the appointing power in the manner following: The person sought to be removed shall be served with a copy of the



9 order of removal and notice of suspension from such service, and also written  
10 specifications; and such person shall have not less than three nor more than  
11 seven days to answer the same in writing. A copy of the order, specifications  
12 and answer, if any, shall be filed with the commission, which shall promptly  
13 approve or disapprove of such order. Said commission may, in its discretion,  
14 investigate any removal or reduction, and shall investigate any such case which  
15 it has reason to believe has not been made for the purpose and in the manner  
16 herein provided. Such suspensions shall be without pay: *Provided, however,*  
17 that said commission, in case of a disapproval, may direct that pay shall be  
18 restored.

19 Reductions in grade or compensation, or both, shall be made in the like  
20 manner, as near as may be, but without suspension pending such approval or  
21 disapproval. A copy of said papers in each case shall be made a part of the  
22 record of the division of the service in which the removal or reduction is  
23 made. No removal or reduction shall be effective if disapproved by the com-  
24 mission. All decisions by said commission shall be final, and shall be certified  
25 to the appointing officer and shall be forthwith enforced by such officer. Noth-  
26 ing in this Act shall limit the power of any officer to suspend a subordinate with-  
27 out pay for cause assigned in writing, a copy of which shall be delivered to  
28 such subordinate. Such suspension shall be for a reasonable period, not ex-  
29 ceeding thirty days, and any suspension may be investigated by said commis-  
30 sion. In the course of any investigation provided for in this section, each  
31 member of the commission shall have the power to administer oaths, and said  
32 commission shall have the power to secure, by its subpoena, both the attendance  
33 and testimony of witnesses, and the production of books and papers relevant  
34 to such investigation.

35 Nothing in this section shall be construed to require charges or investiga-  
36 tions in the case of laborers.



37 No person appointed to any office or place of employment after the pass-  
38 age of this Act shall be retained in such office or place of employment after this  
39 Act shall go into effect for a period longer than sixty days, unless such per-  
40 son was appointed pursuant to the provisions of existing civil service laws, or  
41 pursuant to the provisions of this Act, or unless such person was appointed  
42 to an office or place of employment exempted in section 5 of this Act.

Sec. 15. REPORTS TO COMMISSION.] Immediate notice in writing shall be  
2 given by the appointing power to said commission of all appointments, perma-  
3 nent or temporary, made in such classified service, and of all transfers, pro-  
4 motions, reductions, resignations, suspensions or vacancies from any cause, or  
5 any other changes, in such service and of the date thereof, and a record of  
6 the same shall be kept by said commission. When any office or place of em-  
7 ployment is created or abolished, or the compensation attached thereto al-  
8 tered, the officer or board making such change shall immediately report it in  
9 writing to said commission.

Sec. 16. INVESTIGATIONS.] The commission shall from time to time make  
2 such investigations as it may deem proper into the administration of the offices,  
3 places of employment and institutions covered by this Act, and shall report its  
4 findings and recommendations for the improvement of the service to the presi-  
5 dent or chairman of the county board. The commission shall also supervise  
6 and investigate the enforcement of this Act and of its rules, and the action  
7 of the examiners herein provided for, and the conduct and action of the ap-  
8 pointees in said classified service, and may inquire as to the nature, tenure and  
9 compensation of all offices and places in the public service of the county. In  
10 the course of any such investigation each commissioner shall have the power  
11 to administer oaths, and shall have the power to secure, by subpoena, the at-

12 tendance and testimony of witnesses and the production of books and papers  
13 relevant to such investigations.

Sec. 17. REPORTS OF COMMISSION.] Said commission shall, on or before the  
2 first Monday of December of each year, make to the president or chairman  
3 for transmission to such county board a report showing its own action, the rules  
4 in force, the practical effects thereof, and any suggestions it may approve for  
5 the more effectual accomplishment of the purposes of this Act. The president  
6 or chairman may require a report from said commission at any time.

Sec. 18. OFFICERS.] The commission shall select one of its own number  
2 to act as chairman and one as secretary. The secretary shall keep the minutes  
3 of its proceedings, preserve all reports made to it, keep a record of all exam-  
4 inations held under its direction, and perform such other duties as the com-  
5 mission shall require.

Sec. 19. OFFICERS TO AID—ROOMS.] All officers of said county shall aid said  
2 commission in all proper ways in carrying out the provisions of this Act, and  
3 shall allow the reasonable use of public buildings for holding such examina-  
4 tions. The county board shall cause suitable rooms to be provided for said  
5 commission at the expense of said county.

Sec. 20. SALARIES AND EXPENSES.] Each of said commissioners shall re-  
2 ceive a salary of not less than three thousand dollars a year.

3 A sufficient sum of money shall be appropriated each year by the county  
4 board to carry out the provisions of this Act; and the county board shall  
5 allow to said commission such clerical help and such sums to operate and main-  
6 tain said office as shall be necessary, and the compensation of such clerical  
7 help and such sums allowed shall be paid by the county as other county  
8 charges. If the board shall have already made the annual appropriation for

9 county purposes for the current fiscal year, the board is authorized and re-  
 10 quired to pay the salaries and expenses of the commission for such fiscal year  
 11 out of the moneys appropriated for contingent purposes by said board.

Sec. 21. FRAUDS PROHIBITED.] No person or officer shall wilfully or cor-  
 2 ruptly, by himself or in co-operation with any one or more other persons, de-  
 3 feat, deceive or obstruct any person in respect to his or her right of examina-  
 4 tion, or corruptly or falsely mark, grade, estimate or report upon the exam-  
 5 ination or proper standing of any person examined hereunder, or aid in so  
 6 doing, or wilfully or corruptly make any false representation concerning the  
 7 same or concerning the person examined, or wilfully or corruptly furnish to  
 8 any person any special or secret information for the purpose of improving  
 9 or injuring the prospects or chances of any person so examined, or to be ex-  
 10 amined, being employed or promoted.

Sec. 22. FALSE REPRESENTATIONS PROHIBITED.] No applicant for examina-  
 2 tion for any office or place of employment in said classified service shall wil-  
 3 fully or corruptly, by himself or in co-operation with one or more other per-  
 4 sons deceive the said commission with reference to his identity, or wilfully or  
 5 corruptly make false representations in his applications for such examinations,  
 6 or commit any fraud for the purpose of improving his prospects or chances in  
 7 such examination.

Sec. 23. NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.] No  
 2 officer or employe in the classified service of said county, or named in the fifth  
 3 section of this Act, shall solicit, orally or by letter, or receive, or be in any  
 4 manner concerned in soliciting or receiving any assessments, subscriptions or  
 5 contributions for any party or political purposes whatever.

Sec. 24. NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR  
 2 EMPLOYEES.] No person shall solicit, orally or by letter, or be in any manner

3 concerned in soliciting any assessment, contribution or payment, for any party  
 4 or for any political purpose whatever, from any officer or employe in the classi-  
 5 fied service of said county, or named in the fifth section of this Act.

Sec. 25. ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No  
 2 person shall, in any room or building occupied for the discharge of official  
 3 duties by an officer or employe in the classified service of said county, or  
 4 named in the fifth section of this Act, solicit, orally or by written communi-  
 5 cation delivered therein or in any other manner receive, any contribution of  
 6 money or other thing of value for any party or political purpose whatever;  
 7 and no officer, agent, clerk or employe in the classified service of said county,  
 8 or named in the fifth section of this Act, who may have charge or control of  
 9 any such room or building, shall permit any person to enter the same for the  
 10 purpose of therein soliciting or delivering written solicitations for, or receiv-  
 11 ing or giving notice of, any political assessment.

Sec. 26. ABUSE OF OFFICIAL INFLUENCE PROHIBITED.] No officer or employe  
 2 in said classified service, or named in the fifth section of this Act, shall dis-  
 3 charge or degrade or promote, or in any manner change, the official rank or  
 4 compensation of any other officer or employe, or promise or threaten or at-  
 5 tempt to do so, for giving or withholding or neglecting to make any contribu-  
 6 tion of money, or other valuable thing, for any party or political purpose or  
 7 for refusal or neglect to render any party or political service.

Sec. 27. PAYMENT FOR PLACE PROHIBITED.] No applicant for appointment  
 2 in said classified service, or to a position named in the fifth section of this  
 3 Act, shall pay, or promise to pay, either directly or indirectly, any money or  
 4 other valuable thing to any person whatever for or on account of his appoint-  
 5 ment, or proposed appointment, and no officer or employe in said classified  
 6 service, or named in section 5 of this Act, shall pay, or promise to pay, either



7 directly or indirectly, any money or other valuable thing to any person what-  
8 ever for, or on account of, his promotion or proposed promotion.

Sec. 28. RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PROHIB-  
2 ITED.] No applicant for appointment or promotion in the classified service  
3 shall ask for or receive a recommendation or assistance from any officer or  
4 employe in said service, or from any person, in consideration of any political  
5 service to be rendered to or for such person or for the promotion of such  
6 person to any office or appointment.

Sec. 29. ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No person who  
2 holds any public office, or who has been nominated for, or who seeks a nom-  
3 ination or appointment to, any public office shall corruptly use, or promise to  
4 use, either directly or indirectly, any official authority or influence in order to  
5 secure or aid any person in securing for himself, or for another, any office  
6 or public employment, or any nomination, confirmation, promotion or increase  
7 of salary as a reward for political influence or service.

Sec. 30. APPOINTMENTS AND REMOVAL TO BE CERTIFIED TO THE COMPTROLLER.]  
2 The commission shall certify to the county clerk, or other auditing officer, all  
3 appointments to offices and places in the classified service, and all vacancies  
4 occurring therein, whether by dismissal, resignation or death, and all decisions  
5 of the commission under the provisions of the fourteenth section of this Act.

Sec. 31. PAYMENT ONLY AFTER CERTIFICATION.] No county clerk, comptrol-  
2 ler, treasurer, paymaster or auditing officer of such county shall approve the  
3 payment of, or be in any manner concerned in paying, any salary or wage to  
4 any person for service as an officer or employe in the public service covered  
5 by this Act unless an estimate, pay roll or account for such salary or wage,  
6 containing the names of the persons to be paid and a statement of the amount

7 to be paid and the matter on account of which the same is to be paid, shall be  
8 filed with him, bearing the certificates of said commission that the persons  
9 named in such estimate, pay roll or account have been appointed or employed  
10 in pursuance of law and of rules made in pursuance of this Act.

Sec. 32. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND  
2 PAPERS.] Any person who shall be served with a subpoena to appear and tes-  
3 tify, or to produce books and papers, issued by the commission or by any com-  
4 missioners, or by any board or person acting under the orders of the commis-  
5 sion in the course of an investigation conducted, under any provision of this  
6 Act, and who shall refuse or neglect to appear or testify, or to produce books  
7 and papers relevant to said investigation, as commanded in such subpoena, shall  
8 be guilty of a misdemeanor, and shall, on conviction, be punished as provided  
9 in the thirty-third section of this Act. The fees of witnesses for attendance  
10 and travel shall be the same as the fees of witnesses before the circuit courts,  
11 and shall be paid from the appropriation for the expenses of the commission,  
12 and any circuit court, or any judge thereof, either in term time or vacation,  
13 upon application of any such commissioner, or officer or board, may, in his  
14 discretion, compel the attendance of witnesses, the production of books and  
15 papers, and giving of testimony before the commission, or before any such com-  
16 missioners, investigating board or officer by attachment, or contempt, or other-  
17 wise, in the same manner as the production of evidence may be compelled be-  
18 fore said court. Every person who, having taken an oath or made affirma-  
19 tion before a commissioner or officer appointed by the commission authorized  
20 to administer oaths, shall swear, or affirm, wilfully, corruptly and falsely shall  
21 be guilty of perjury, and upon conviction shall be punished accordingly

Sec. 33. PENALTIES.] Any person who shall wilfully, or through culpable  
2 negligence, violate any of the provisions of this Act shall be guilty of a mis-  
3 demeanor, and shall, on conviction thereof, be punished by a fine of not less

4 than \$50 and not exceeding \$1,000, or by imprisonment in the county jail for  
5 a term not exceeding six months, or by both such fine and imprisonment, in  
6 the discretion of the court.

Sec. 34. PENALTIES—REMOVAL FROM OFFICE.] If any person shall be con-  
2 victed under the last preceding section, any public office or place of public em-  
3 ployment which such person may hold shall, by force of such conviction, be  
4 rendered vacant.

Sec. 35. WHAT OFFICERS TO PROSECUTE.] Prosecutions for violations of  
2 this Act may be instituted either by the Attorney General, the State's Attor-  
3 ney for the county in which the offense is alleged to have been committed, or  
4 by the commission acting through special counsel. Such suits shall be conducted  
5 and controlled by the prosecuting officers who institute them, unless they re-  
6 quest the aid of other prosecuting officers.

Sec. 36. FORMER COMMISSIONS.] The civil service commissions hereby cre-  
2 ated shall supercede any existing county civil service commissions in all coun-  
3 ties to which this Act applies, and all records of such superceded commissions  
4 shall be transferred to and become and remain records of the commissions  
5 hereby created, and all persons employed in the classified civil service under  
6 and by virtue of the rules of such superceded commissions and the law under  
7 which such superceded commissions acted shall be and remain within the classi-  
8 fied civil service contemplated by this Act under the same rights and limita-  
9 tions as if such employes had been appointed to such classified civil service  
10 under the provisions of this Act.





- 1    Reported from Senate, April 15, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13 of an Act entitled, "An Act to provide for the formation and disbursement of a municipal employes' pension fund in cities having a population exceeding one hundred thousand," approved May 16, 1905, in force July 1, 1905, and to add two new sections thereto, to be numbered sections 15 and 16 respectively, and to provide a penalty for violation of the same.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one (1), two (2), three (3), four (4), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12) and thirteen (13) of an Act entitled, "An Act to provide for the formation and disbursement of a municipal employes' pension fund in cities having a population exceeding one hundred thousand," approved May 16, 1905, in force July 1, 1905, be amended so as to read as follows, and by adding thereto two new sections, to be numbered 15 and 16 respectively:

9       Sec. 1. That the city council in cities having a population exceeding one  
10 hundred thousand inhabitants shall have power, and it shall be its duty to cre-  
11 ate a "municipal employes' pension fund," which shall consist of amounts  
12 retained from the salaries or wages of employes, as hereinafter provided,  
13 which amounts shall be deducted in equal weekly, bi-weekly or monthly in-  
14 stallments from such salaries or wages at the regular time or times of the  
15 payment thereof, and the said city council shall cause to be set aside and paid  
16 into said fund each month out of the moneys received that month for water  
17 supplied by it a sum equal to one-half of the discounts that might have been  
18 secured under the ordinances of said city had such money been paid within  
19 the time in which discounts are allowed by such ordinances, which said fund,  
20 as well as all other sums contributed thereto, under the provisions of this  
21 Act, shall be held by the city treasurer for the purposes hereinafter specified.  
22 There shall be paid into said fund one-half of all fines or penalties collected  
23 from persons found guilty of violating any provisions of any ordinances relat-  
24 ing to or providing for the control or operation of the water works of said city  
25 or any property connected with said water works.

26       Sec. 2. The term "employee," under this Act shall include all employes  
27 in the water works and water departments of such city who receive \$75.00 per  
28 month or over, as well as those employes in said water works or water depart-  
29 ments who are paid three dollars or more for a day's work. The comptroller  
30 shall deduct the amount specified by the board of trustees hereinafter pro-  
31 vided for from the salaries or wages paid by the said city, of each and every  
32 employe coming under the provisions of this Act: *Provided*, that no deduction  
33 shall be made from the salary or wages of any employe receiving less than  
34 \$75.00 per month; or, if paid by the day, less than \$3.00 per day; nor shall any  
35 one who does not contribute to said fund participate in said fund; and further

36 that this Act shall apply only to those employes who voluntarily accept and  
37 agree to comply with its provisions.

38 Any employe, a part of whose salary may be set apart to provide for the  
39 fund created by this Act, may be released from the necessity of making further  
40 payments to said fund by filing a written notice of his or her desire to be so  
41 released, with the board of trustees hereinafter mentioned, which said notice  
42 shall operate and go into effect immediately upon its receipt by said board of  
43 trustees.

44 Sec. 3. The city treasurer, subject to the control and direction of the said  
45 board of trustees, shall be the custodian of said pension fund, and shall secure  
46 and safely keep the same and shall keep books and accounts concerning said  
47 fund in such manner as may be prescribed by the said board of trustees, which  
48 said books and accounts shall always be subject to the inspection of said board  
49 of trustees or any member thereof.

50 The city treasurer shall, within ten days after his installation into office,  
51 execute a bond to the said city, with good and sufficient sureties in such penal  
52 sum as the said board of trustees shall direct, which said bond shall be ap-  
53 proved by the said board of trustees and shall be conditioned for the faithful  
54 performance of the duties of said office and that he will safely keep and well  
55 and truly account for all moneys and property belonging to said pension fund,  
56 and all interest thereon, which may come into his hands as such treasurer, and  
57 that upon the expiration of his term of office, or upon his retirement  
58 therefrom for any cause, he will surrender and deliver over to his successor  
59 all unexpended moneys, with such interest as he may have received thereon,  
60 and all property in his hands remaining which may have come to him as treas-  
61 urer of said pension fund. Such bond shall be filed in the office of the clerk  
62 of said city, and in case of a breach of the same, or the conditions thereof,  
63 suit may be brought on the same in the name of the said city, for the use  
64 of said board of trustees, or any person or persons injured by such breach.

65       Sec. 4. The city council shall, in the month of September following the  
66 passage of this Act, **arrange for the** election of a board of trustees of said  
67 pension fund, composed of six members, to be chosen as hereinafter provided,  
68 which election shall **be held** not later than October 30 of the same year. Said  
69 board of trustees shall **have** power, and it shall be its duty, to administer said  
70 fund and to carry out the provisions of this Act.

71       Sec. 7. Said board of trustees shall have power and it shall be its duty:

72       (1) To determine the amount which shall be deducted from the salaries  
73 or wages paid to employes for the benefit of said pension fund: *Provided*, the  
74 amount of such deduction shall be at the rate of not less than one per cent  
75 nor more than two per cent of the entire amount received per year by each  
76 such employe.

77       (2) To make all payments from such pension fund, pursuant to the pro-  
78 visions of this Act.

79       (3) To audit the accounts of said treasurers at least four times each year

80       (4) To direct the payment of all necessary expenses in connection with  
81 the administration of said fund and carry out the provisions of this Act for  
82 which provision is not otherwise made.

83       (5) To determine the amount to be paid as benefits or annuities under  
84 this Act: *Provided*, that no benefit or annuity shall exceed fifty (50) per cent  
85 of the salary or wages received by said beneficiary at the time of his or her  
86 retirement.

87       (6) To take by gift, grant or bequest, or otherwise, any money or prop-  
88 erty of any kind and hold the same for the benefit of said fund.

89       (7) To fill any vacancy or vacancies in said board of trustees until the  
90 next annual election, as hereinbefore provided.

91       (8) To keep a full and complete record of their meetings and of the re-  
92 cepts and disbursements on account of such fund, and also complete lists of all



93 contributors to said fund, and of all persons receiving benefits therefrom, and  
94 such other records as in their judgment shall seem necessary, and shall make  
95 and publish annually a full and complete statement of their financial trans-  
96 actions.

97 (9) To make and establish all such rules for the transaction of their  
98 business and such other rules, regulations and laws as may be necessary for  
99 the proper administration of said fund and the performance of the duties im-  
100 posed upon them.

101 (10) To hear and determine all applications for benefits under this Act,  
102 and to suspend any annuity or benefit whenever, in their judgment, the disabil-  
103 ity of such beneficiary has ceased, or for other good causes.

104 Sec. 8. Any contributor to said fund who shall have attained the age of  
105 fifty (50) years and shall have been in the service of the water works or  
106 water departments of said city for a period of twenty (20) years, and shall  
107 have contributed to the said fund for the period of twelve (12) years, shall  
108 have the right to retire and become a beneficiary under this Act, and to re-  
109 ceive such benefit or annuity from said fund proportionate to the amount  
110 of the contributions of such employe; and in case of death, the widow or  
111 minor children of the deceased pensioner shall receive one-half ( $1\frac{1}{2}$ ) of the  
112 amount in monthly payments of the pension allowed to their husband or  
113 father during life, which amount shall be paid said widow as long as  
114 she remains unmarried; and in case there is no widow, to said minor children  
115 until they reach the age of 18 years. The said beneficiary shall, at all times  
116 during his or her retirement, receive monthly fifty (50) per cent of the  
117 monthly salary or wages received by him or her from said municipality at the  
118 time of his or her retirement.

119 Sec. 9. Upon the death of any contributor who is not nor has been a  
120 beneficiary under this Act for more than three years, in order that he or she

121 may receive decent burial, a sum not to exceed two hundred dollars may be  
122 expended by said board of trustees as it may determine.

123       Sec. 10. Any person who has contributed to said fund for a period of  
124 five (5) years or more may retire from the service of the said city on account  
125 of serious disability, rendering him or her unable to properly discharge his  
126 or her duties, and may become a beneficiary under this Act, and shall there-  
127 upon be entitled to receive benefits for a period of two (2) years, which may  
128 be extended upon proof of continued disability.

129       Sec. 11. An employe who has been contributing to said fund for five (5)  
130 years or more, and who shall resign or be dismissed from the service of said  
131 city, may, upon application made within three (3) months after the date of  
132 such dismissal or resignation, receive one-half of the total amount paid into  
133 said fund by such person so resigned or dismissed.

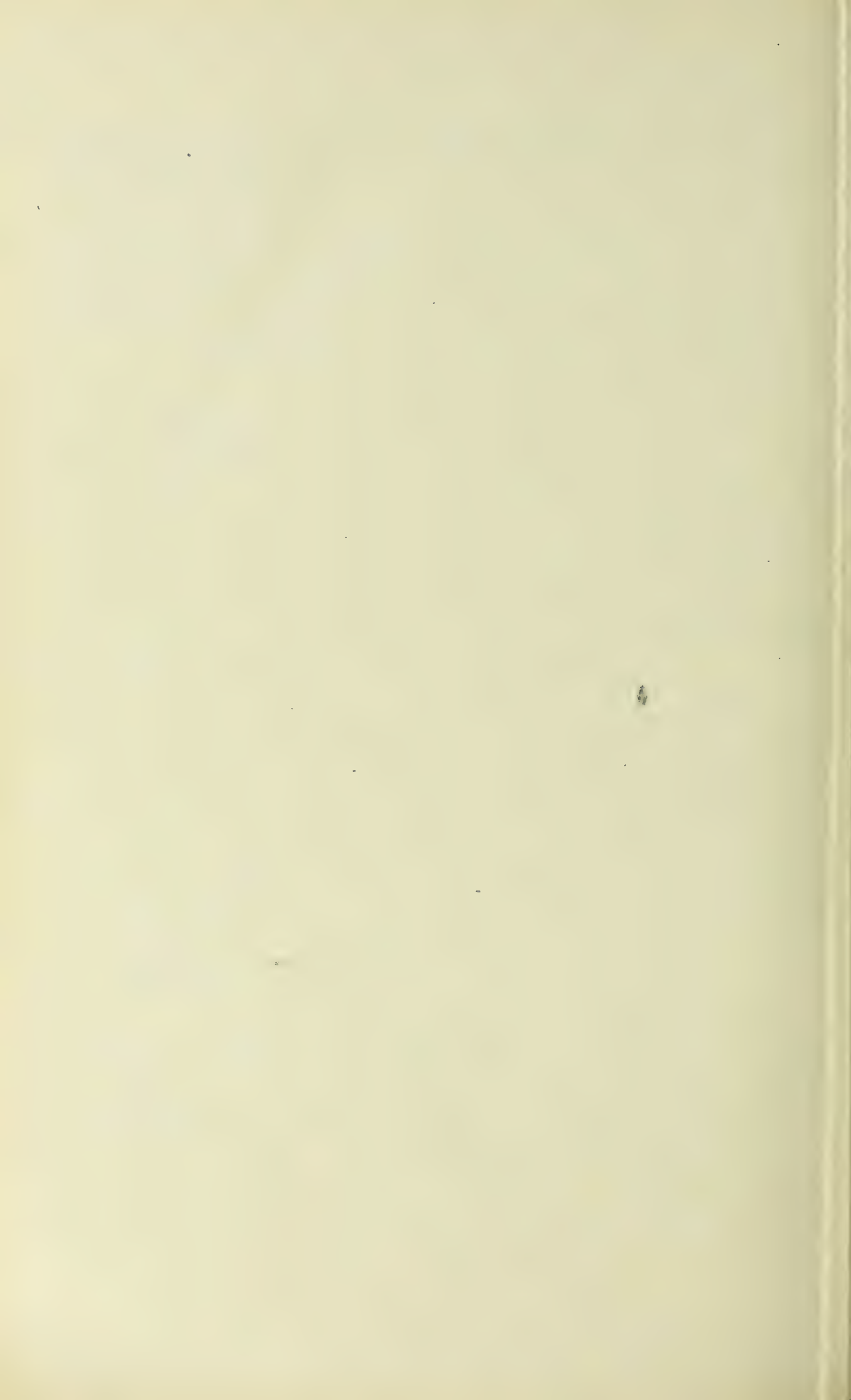
134       Sec. 12. The comptroller of said city shall certify monthly to the treas-  
135 urer all amounts deducted in accordance with the provisions of this Act from  
136 the salaries paid by the said city, which amounts, as well as all other sums  
137 contributed to said fund under the provisions of this Act, shall be set apart  
138 and held by said treasurer for the purpose hereinbefore specified, subject to  
139 the order of said board of trustees, and shall be paid out upon warrants  
140 signed by the president and secretary of said board of trustees.

141       Sec. 13. No portion of said pension fund shall, either before or after its  
142 order of distribution by said board to such disabled member of said water  
143 department, or the widow or guardian of such minor child or children, or a  
144 deceased or retired member of such department, be held, seized, taken, sub-  
145 jected to or detained or levied on by virtue of any attachment, execution, in-  
146 junction, writ, interlocutory, or final, or other order or decree, or any pro-

cess or proceedings whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against such member, or his widow, or the guardian of said minor child or children of any deceased member; but said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this Act, and for no other purpose whatever.

Sec. 15. Any person who shall, directly or indirectly, avoid or seek to avoid any or all of the provisions of this Act, or who shall, directly or indirectly, interfere with or obstruct the enforcement of any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a term not exceeding six (6) months, or both, in the discretion of the court.

Sec. 16. Should a contributor to said fund be absent from the service of the city for any cause whatever for a period when it is impossible for the comptroller to make deductions, he or she may resume membership in the fund on returning to work; all time lost on account of such absence or absences not to count in the aggregate service of such members; and should a member who has contributed to said fund for a period of not less than five (5) years be transferred from the water works or water departments, either through his own desire or for any purpose whatever, his or her interest in said fund shall cease forthwith; and upon application by him or her there shall be paid to him or her an amount equal to one-half of that paid in by him or her; and the corporation counsel of said cities shall be the legal adviser of the board of trustees of said pension fund.





- 1   Reported from Senate, April 21, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 1, 2, 3, 4, 5, 6 and 10 of an Act entitled, "An Act to authorize cities of 100,000 population and under to construct outlet sewers, reservoirs, pumping works and machinery, and maintain and keep in repair the same, the cost thereof to be defrayed by special assessment or special taxation, and if the assessment is paid in installments, to issue bonds to anticipate the deferred installments," approved April 24, 1899, in force July 1, 1899; as amended by Act approved June 14, 1897, in force July 1, 1897.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That "An Act to authorize cities of 100,000 popu-  
3 lation and under to construct outlet sewers, reservoirs, pumping works and ma-  
4 chinery, and maintain and keep in repair the same, the cost thereof to be defrayed  
5 by special assessment or special taxation, and if the assessment is paid in install-  
6 ments, to issue bonds to anticipate the deferred installments," approved April 24,

7 1899, in force July 1, 1899; as amended by Act approved June 14, 1897, in force  
8 July 1, 1897, be and the same hereby is amended so as to read as follows, to-wit:

9 That in all cities, villages and incorporated towns in this State, of a popula-  
10 tion of one hundred thousand or under, which have a sewerage system, but  
11 have no adequate outlet therefor, or no proper disposition of the sewerage  
12 thereof, without constructing an outlet sewer through an unimproved portion  
13 of such cities, villages or incorporated towns, and thence through lands be-  
14 yond the limits of such cities, villages and incorporated towns, the corporate  
15 authorities thereof are hereby vested with power to construct an outlet sewer  
16 wholly within, or partially within and partially without said cities, villages and  
17 incorporated towns, into which the sewers throughout said cities, villages or  
18 incorporated towns, are to empty and through which they are to discharge  
19 their sewage for proper disposition and sanitary benefits, and to construct  
20 reservoirs, erect pumping works and machinery, within or without said cities,  
21 villages or incorporated towns, and to acquire the necessary land and machinery  
22 for such purposes, and otherwise provide for discharging the sewage of such  
23 cities, villages and incorporated towns into channels that will promote the health  
24 and improve the sanitary condition of, and accomplish the purpose of an outlet  
25 sewer for such cities, villages and incorporated towns, the cost of which shall  
26 be borne by special assessment, or by special taxation, upon property in those  
27 portions of said cities, villages and incorporated towns, the sewers in which are  
28 to ultimately find their outlet through said hereby authorized outlet sewer.

29 Sec. 2. That the corporate authorities of such cities, villages and incorpo-  
30 rated towns, as are designated in section 1 of this Act, are hereby vested with  
31 the power to maintain and keep in repair such outlet sewers, reservoirs, pump-  
32 ing works and machinery as are provided for in said section 1, the cost of which  
33 shall be borne by special assessment, or by special taxation, upon the property  
34 as described also in said section 1 of this Act: *Provided*, that no lot, block, tract or

35 parcel of land shall be assessed more than once in any one year for such main-  
36 tenance and repair.

37 Sec. 3. That the corporate authorities of such cities, villages and incorpo-  
38 rated towns as are designated in section 1 of this Act shall have power to ac-  
39 quire by purchase, gift, condemnation or otherwise, all the real and personal  
40 property, rights-of-way and easements within or without said cities, villages  
41 and incorporated towns necessary for the construction and maintenance of the  
42 outlet sewers and works authorized by this Act, and shall have the same control  
43 and jurisdiction of the property without as of that within said cities, villages  
44 and incorporated towns.

45 Sec. 4. When the local authorities of such cities, villages and incorpo-  
46 rated towns, as designated in section 1 of this Act, shall determine to con-  
47 struct an outlet sewer, etc., hereinbefore provided for, they shall do so by or-  
48 dinance, in which shall be prescribed whether the same shall be made by  
49 special assessment or special taxation. In the same ordinance shall be pres-  
50 cribed the nature, character, locality and description of said outlet sewer im-  
51 provement, either by setting forth the same in the ordinance itself or by refer-  
52 ence to maps, plats, plans, profiles or specifications thereof on file in the office  
53 of the city clerk, or by both. The said ordinance shall also prescribe by reason-  
54 ably well understood boundaries those portions of the city, village or incorpo-  
55 rated town the sewage of which is to be conducted, by sewers already laid, or  
56 those contemplated to be laid, into and through the herein provided outlet  
57 sewer, and the property within such boundaries shall be assessable for the cost  
58 of the said outlet sewer improvement. If property is to be taken or damaged  
59 for said improvement, such ordinance shall prescribe the same with reasonable  
60 certainty.

61       Sec. 5. The city council in cities and the president and board of trustees  
62 in villages shall appoint three of its members, or any other three competent  
63 persons, who shall make an estimate of the cost of the outlet sewer improve-  
64 ment contemplated by such ordinance, including reservoirs, pumping works  
65 and machinery, damages, necessary lands, labor, materials, engineering and all  
66 other expenses attending the same, and the cost of making and levying the  
67 assessment, and shall report the same in writing to said city council or presi-  
68 dent and board of trustees. On such report being made and approved by the  
69 city council in cities and the president and board of trustees in villages, the city  
70 council or president and board of trustees, as the case may be, may order a peti-  
71 tion to be filed by such officer as it or they shall direct, in the county court of  
72 its county, for proceedings to assess the cost of such improvement in the manner  
73 provided in this Act.

74       Sec. 6. The petition to court shall be in the name of the corporation, and  
75 shall recite the ordinance for the proposed improvement, and report of such  
76 commission, and shall pray that the cost of such improvement may be assessed  
77 in the manner prescribed by law. Upon the filing of such petition, the court  
78 shall appoint three competent persons as commissioners who shall take and  
79 subscribe to an oath, in substance as follows, to-wit:

80 State of Illinois,        }  
81       ..... County.       }ss.

82       We, the undersigned, commissioners appointed by the county court of  
83 ..... county, to assess the cost of a sewer outlet improvement in the city  
84 (village or incorporated town) of ..... do solemnly swear (or affirm, as  
85 the case may be.) that we will, a true and impartial assessment make of the  
86 cost of said improvement upon the property assessable for the same, to the best  
87 of our ability and according to law.

88 .....  
89 .....  
90 .....



91 It shall be the duty of such commissioners to examine the portions of the  
 92 city, village or incorporated town, that said outlet sewer improvement is con-  
 93 templated to accommodate and serve, and if the cost thereof is to be paid by  
 94 special assessment, then to apportion and assess said cost upon the property,  
 95 in the said portion of the city, village or incorporated town, to be served by said  
 96 outlet sewer improvement, by the several lots, blocks, tracts and parcels of land  
 97 in the proportion in which they will be severally benefited by said outlet sewer  
 98 improvement; if the cost is to be paid by special taxation, then the said com-  
 99 missioners shall apportion and assess said cost upon the said property, in said  
 100 portion of the city, village or incorporated town, to be served by said outlet  
 101 sewer improvement, by the several lots, blocks, tracts and parcels of land ac-  
 102 cording to their assessed valuation, superficial area, or frontage on the streets,  
 103 as may be prescribed in said ordinance.

104 Sec. 10. For the purpose of anticipating the collection of the second and  
 105 succeeding installments provided for in this Act, it shall be lawful for such cities,  
 106 villages and incorporated towns, as aforesaid, to issue bonds, and retire the  
 107 same, in accordance with the provisions and regulations of "An Act of the Gen-  
 108 eral Assembly of the State of Illinois, entitled 'An Act concerning local improve-  
 109 ments,' " approved June 14, 1897, in force July 1, 1897.



- 1    Reported from Senate April 2, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act entitled, "An Act to punish persons for willful injury to lines, poles and other apparatus used in transmitting or carrying electric current or messages."

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Whoever shall wilfully and maliciously, by the throw-  
3 ing of stones, shooting at, or otherwise break, injure, destroy, or partly break,  
4 injure or destroy, any line or lines, pole or poles, electric insulator or insulators,  
5 or any other apparatus (used in transmitting or carrying electric current or  
6 messages), belonging to any other person or persons, corporation or corpo-  
7 rations, or to the State, or any county, city or municipal corporation, shall be  
8 fined not exceeding five hundred (\$500.00) dollars, or confined in the county  
9 jail not exceeding one year, or both, for each offense.





- 1    Reported from Senate April 21, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act entitled An Act to amend section 14 of "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883; as amended by an Act approved May 15, 1903, in force July 1, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 14 of an Act entitled "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883; as amended by an Act approved May 15, 1903, in force July 1, 1903, be, and the same is hereby, amended to read as follows:

Sec. 14. If, in the opinion of the commissioners, a greater levy is needed than the sixty cents on each one hundred dollars, as provided by section 13 of said Act, they may so certify to the board of town auditors and the assessor,

10 a majority of whom shall be a quorum, and with the consent of a majority of  
11 this entire board given in writing an additional levy may be made of any sum  
12 not exceeding forty cents on the one hundred dollars of the taxable property  
13 of the town.

1    Reported from Senate, April 27, 1909.

2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend article X of "An Act to revise the law in relation to justices of the peace and constables," approved June 26, 1895, in force July 1, 1895, by adding thereto a new section, to be known as section 1a.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the State of Illinois:* That article X of "An Act to revise the law in relation to justices of the peace and constables," approved June 26, 1895, in force July 1, 1895, be amended by adding thereto a new section, to be known as section 1a.

6      Sec. 1a. That whenever there is pending in the circuit court an appeal  
7 from a justice of the peace, which appeal could have been taken to the county  
8 court, if the circuit court shall be of opinion that the business pending for  
9 trial in that court at that term is greater than can be conveniently disposed  
10 of at that term, said circuit court may, in its discretion, enter an order trans-

11 ferring said appeal to the county court of that county. The circuit clerk shall  
12 thereupon transmit the files and papers in said cause to said county court, with  
13 a transcript of the record of said circuit court in said cause. Thereupon the  
14 county court shall take jurisdiction of said cause, and like proceedings may  
15 be had therein, and an appeal from the judgment of the county court there-  
16 in may be taken to, and a writ of error sued out from, the Supreme or Ap-  
17 pellate Court, as the case may be, as if said appeal from said justice of the  
18 peace had originally been taken to said county court. Any appeal bond exe-  
19 cuted in any case so transferred shall be binding upon the parties thereto  
20 with the same force and effect as if given in a case taken directly from said  
21 justice of the peace to said county court. This Act shall also be applicable  
22 to all causes removed from a justice of the peace to the circuit court by writ  
23 of *certiorari* and to all bonds executed in such a proceeding by *certiorari*.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby  
2 repealed.



- 1. Reported from Senate, April 9, 1909.
- 2. Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 4 of an Act entitled, “An Act to provide for scholarships in the University of Illinois,” approved May 12, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 4 of an Act entitled, “An Act to provide for scholarships in the University of Illinois,” approved May 12, 1905, in force July 1, 1905, be amended to read as follows:

Sec. 4. In addition to the scholarships provided for in section one, each member of the General Assembly is authorized to nominate and appoint, annually, one person of school age and otherwise eligible, who shall, by virtue of this appointment, receive a certificate of scholarship in the university. Each member of the General Assembly shall file with the president of the university, on or before the first Saturday in *August*, the name and address of the student

11 nominated by him to receive such scholarship. The candidate for such schol-  
12 arship shall present himself for examination before a *committee of the faculty*  
13 *of the university, appointed for that purpose, and at a time designated by the*  
14 *president of the university*, who shall also prescribe rules and regulations gov-  
15 erning such examination: *Provided, that if such student shall be a graduate*  
16 *of an accredited high school of the State, he shall be eligible to admission with-*  
17 *out examination.*

18 *Provided, further, that in case the person named fails to pass the required*  
19 *examination, then the president of said university shall at once notify the mem-*  
20 *ber making the appointment, who may name another person for such scholar-*  
21 *ship: Provided, further, that if the member of the General Assembly shall so*  
22 *elect, the scholarship under his control may be awarded by competitive ex-*  
23 *amination, conducted under like rules as prescribed in section two of this Act.*

1. Reported from Senate, April 27, 1909.
2. Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 2 of an Act entitled, "An Act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain Acts therein named," approved June 21, 1893, in force July 1, 1893.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain Acts therein named," approved June 21, 1893, in force July 1, 1893, be and the same is hereby amended so as to read as follows:

Sec. 2. Except as hereinafter provided, from and after the passage of this Act, no insane person or person supposed to be insane, but who shall not have been legally adjudged to be insane, shall, by reason of his insanity or supposed

10 insanity, be restrained of his liberty: *Provided*, that this section shall not be  
11 construed to forbid the temporary detention of an alleged lunatic, for a reas-  
12 onable time, not exceeding thirty days, pending a judicial investigation of his  
13 mental condition.



1   Reported from Senate, April 27, 1909.

2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to make compulsory the prevention of procreation of habitual criminals, idiots and imbeciles and to provide a means for carrying out the purposes of this Act.

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WHEREAS, Heredity plays a most important part in the transmission of  
2   crime, idiocy and imbecility:

SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That on and after the passage of this Act it shall  
3 be compulsory for each and every institution in this State entrusted with the  
4 care of habitual criminals, idiots and imbecils to call expert assistants if necessary, whose duty it shall be, in conjunction with the chief physician of the  
5 institution, to examine the mental and physical condition of such inmates as  
6 are designated by the chief physician in charge of the institution, and if, in  
7

8 the judgment of such physician and expert assistants, procreation is inadvis-  
9 able by such habitual criminals, idiots and imbecils it shall be lawful for the  
10 chief physician, and such expert assistants if necessary, to perform an opera-  
11 tion of sterilization for the prevention of procreation.

- 1   Reported from Senate, April 2, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 16 of an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois exclusive of the county of Cook, approved May 24, 1879, in force July 1, 1879., approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force April 19, 1907; as amended by an Act approved and in force January 31, 1907, and all Acts amendatory thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

- 2 *in the General Assembly:* That section sixteen of "An Act concerning circuit
- 3 courts and to fix a time for holding the same in the several counties in the judi
- 4 cial circuits of the State of Illinois, exclusive of the county of Cook," approved
- 5 May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897,
- 6 as amended by an Act approved May 11, 1901, as amended by an Act approved
- 7 and in force April 19, 1907, as amended by an Act approved and in force Janu

ary 31, 1907, and all Acts amendatory thereof, be and the same is hereby amended to read as follows:

Sec. 16. In the county of JoDavieess, on the first Mondays of November and February, and the fourth Monday in May; in the county of Stephenson, on the first Mondays of September and December, and the first Monday of March and June; in the county of Carroll on the first Monday of March, on the third Monday in June, and the third Monday of November; in the county of Ogle on the first Monday of October, on the first Monday of January and the fourth Monday of April; in the county of Lee, on the first Monday of January, second Monday of April and third Monday of September.



- 1   Reported from Senate April 22, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled "An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and providing penalties for the violation of the same," approved June 1, 1908, in force July 1, 1908.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled "An Act to provide for the  
3 safety of persons employed in and about coal mines, and to provide for the  
4 examination of persons seeking employment as coal miners, and to prevent the  
5 employment of incompetent persons as miners, and provide penalties for the  
6 violation of the same," approved June 1, 1908, and in force July 1, 1908, be  
7 and the same is hereby amended to read as follows:

8       Section 1. That hereafter no person whosoever shall be employed or en-  
9   gaged as a miner in any coal mine in this State without having first obtained  
10 a certificate of competency and qualification so to do from a "Miners' Exam-  
11 ining Board" of some county of this State: *Provided*, that any miner actu-  
12 ally employed in this State when this Act becomes effective, who has been em-  
13 ployed as a miner at least two years in coal mines, shall be entitled to a cer-  
14 tificate permitting him to work in the mines of this State as a practical miner:  
15 *And, provided, further*, that any such certificated miner may have one uncer-  
16 tificated person working with him and under his direction for the purpose of  
17 learning said business of mining and becoming qualified to obtain a certificate  
18 in conformity with the provisions of this Act.

19       Sec. 2. In each county of this State where the business of coal mining is  
20 carried on, there shall be created a board to be styled "The Miners' Exam-  
21 ining Board," to consist of three practical, experienced and skilful miners of at  
22 least five years' continuous experience, who are then actually engaged in min-  
23 ing coal in the county for which they are appointed. Such appointments shall  
24 be made by the county judges in their respective counties immediately after  
25 this Act shall be in effect, and on or before the 10th day of January in each  
26 year thereafter, and all vacancies in said board shall be at once filled by the  
27 county judge of the county in which such vacancy occurs.

28       Each of said boards shall organize by electing one of the members presi-  
29 dent, and one member secretary; and every member of said board shall, with-  
30 in ten days after his appointment, take and subscribe an oath or affirmation  
31 before a properly qualified officer of the county in which he resides, that he  
32 will honestly and impartially discharge his official duties; each of said boards  
33 shall provide itself with an impression seal, having engraved thereon the name  
34 of said board and the county for which it is appointed.

35 Members of said board shall receive, as compensation for their services,  
36 three and fifty-one-hundredths dollars (\$3.50) per day for each day actually en-  
37 gaged in their official duties, and all legitimate and necessary expenses in-  
38 curred in attending the meetings of said board, under the provisions of this  
39 Act, and no part of the salary of the members of said board, or the expenses  
40 thereof, shall be paid out of the State treasury except as herein provided.

41 Sec. 3. Each of said examining boards shall designate some convenient meet-  
42 ing place in their respective counties, of which due notice shall be given by ad-  
43 vertisement in two or more newspapers of the proper county. At such meet-  
44 ing a book of registration shall be open in which shall be registered the name  
45 and address of each and every person to whom said board shall issue a certifi-  
46 cate of competency under this Act.

47 Sec. 4. Each applicant for examination for the certificate herein provided,  
48 shall pay a fee of one dollar, and the amount derived from this source shall  
49 be held by said boards respectively and applied to the expense and salaries  
50 herein provided, and such as may arise under the provisions of this Act. The  
51 said boards shall report in writing quarterly to the court appointing them, all  
52 moneys received and disbursed under the provisions of this Act, together with  
53 the number of miners examined under this Act and the number failing to pass  
54 the required examination.

55 All moneys over and above the amount required to pay the salaries of the  
56 members of said board in their respective counties, and their necessary actual  
57 expenses while in the performance of their duty as such board shall be paid  
58 to the State Treasurer on the second Wednesday of each and every month,  
59 and the same shall be paid out by said State Treasurer only upon warrants  
60 issued by the county judge of the county for which such board was appointed.

61 Said warrants shall show on their face that they are for the payment of

62 the salary and necessary actual expenses of the members of said board in such  
63 county.

64       Sec. 5. It shall be the duty of said boards respectively to meet on the first  
65 Wednesday of each month and to remain in session for a period of two days  
66 and no longer, and said meeting shall be public. The said board shall examine  
67 under oath all persons residing in the county in which said board resides who ap-  
68 ply for certificates as provided in this Act, and said board shall grant such cer-  
69 tificates of competency or qualifications to such applicants as are qualified, which  
70 certificates shall entitle the holders thereof to be employed as, and to do the  
71 work of miners in any county in this State, without other or further examin-  
72 ation.

73       No certificate of competency shall issue or be given to any person under  
74 this Act unless he shall produce evidence of having had not less than two years  
75 of practical experience as a miner or with a miner, and in no case shall an ap-  
76 plicant be deemed competent unless he appear in person before the said board  
77 and orally answer intelligently and correctly at least twelve practical questions  
78 propounded to him by the board pertaining to the requirements and qualifica-  
79 tions of a practical miner. The said board shall keep an accurate record of the  
80 proceedings of their meetings and in said record shall show a correct detailed  
81 account of the examination of each applicant with questions asked and their  
82 answers and at each of these meetings the board shall keep said record open for  
83 public inspection. Any miner's certificate granted under the provisions of this  
84 Act shall not be transferable and any transfer of the same shall be deemed a  
85 violation of this Act. Such certificates shall be issued only at meetings of said  
86 boards, and said certificates shall not be legal unless then and there signed by  
87 at least two members of said board, and sealed with the seal of the board issuing  
88 the certificates.



89       Sec. 6. That no person shall hereafter engage as a miner in any coal mine  
90 without having obtained such certificate as aforesaid. And no person shall  
91 employ any person as a miner who does not hold such certificate as aforesaid,  
92 and no mine foreman or superintendent shall permit or suffer any person to be  
93 employed under him, or in the mines under his charge and supervision as a  
94 miner except as herein provided, who does not hold such certificate. Any per-  
95 son or persons who shall violate or fail to comply with the provisions of this  
96 Act shall be guilty of a misdemeanor, and on conviction thereof be sen-  
97 tenced to pay a fine of not less than one hundred dollars and not more than five  
98 hundred dollars, or shall undergo imprisonment in the county jail for a term  
99 of not less than thirty days and not to exceed six months, or both, at the dis-  
100 cretion of the court.

101       Sec. 7. It shall be the duty of the several miners' examining boards to in-  
102 vestigate all complaints or charges of non-compliance or violation of the pro-  
103 visions of this Act, and to prosecute all persons so offending; and it shall be the  
104 duty of the prosecuting attorney of the county wherein the complaints or charges  
105 are made to investigate the same and prosecute all persons so offending, and it  
106 shall at all times be the duty of such attorney to prosecute such mem-  
107 bers of the miners' examining board as have failed to perform their duty  
108 under the provisions of this Act. Upon the conviction of any member of the  
109 miners' examining board for any violation of this Act, in addition to the penal-  
110 ties herein provided, his office shall be declared vacant, and he shall be deemed  
111 ineligible to act as a member of the said board.

112       Sec. 8. For the purpose of this Act, the members of the said miners' examin-  
113 ing board shall have the power to administer oaths.



- 1 Reported from Senate May 19, 1909.
- 2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to make an appropriation for the Illinois Live Stock Breeder's Association.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there be, and hereby is, appropriated to the  
3 Illinois Live Stock Breeders' Association the following sums, to-wit: For  
4 printing and distributing reports, programs, postage, stationery, expenses of  
5 speakers, etc., the sum of five hundred dollars (\$500) per annum for the years  
6 1909 and 1910.

Sec. 2. No officer or officers of the Illinois Live Stock Breeders' Association shall be entitled to receive any money compensation whatever for any service rendered for same.

Sec. 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Gover-

3 nor, the Auditor of Public Accounts shall draw his warrant on the Treasurer  
4 of the State of Illinois in favor of the treasurer of the Illinois Live Stock  
5 Breeders' Association for the sum herein appropriated.

Sec. 4. It shall be the duty of the treasurer of the Illinois Live Stock  
2 Breeders' Association to pay out of said appropriation, on itemized and re-  
3 ceipted vouchers, such sums as may be authorized by said organization, on the  
4 order of the president, countersigned by the secretary, and make annual re-  
5 port to the Governor of all expenditures, as provided by law.



1    Reported from Senate April 29, 1909.

3    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 2, 3, 4, 6 and 9 of an Act entitled "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime, and providing for a system of parole; and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899; as amended by an Act approved May 10, 1901, in force July 1, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3, 4, 6 and 9 of "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime, and providing for a system of parole, and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899; as amended by an Act approved May 10, 1901, and in force July 1, 1901, be amended so as to read as follows:

Sec. 2. The State Board of Pardons is hereby constituted a State Board of Parole. It shall be the duty of the State Board of Parole to carry out the provisions of this Act so far as it relates to the paroling of prisoners from the State penitentiaries. Said board of parole shall meet monthly at the general penitentiary at Joliet, and also monthly, at the Southern penitentiary, at Chester, to consider and act upon all matters of parole, and it shall be the duty of each board of penitentiary commissioners to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to criminal courses, best secure their self support and accomplish their reformation. When any prisoner shall be received into said penitentiary, the warden shall cause to be entered in a register the date of such admission, the name, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. And the physician of said penitentiary shall carefully examine each prisoner when received and shall enter into a register to be kept by him the name, nationality or race, the weight, stature and family history of each prisoner, also a statement of the condition of the heart, lungs and other leading organs, the rate of pulse and respiration, the measurement of the chest and abdomen, and any existing disease or deformity, or other disability, acquired or inherited. Upon the warden's register shall be entered from time to time, minutes of observed improvement or deterioration of character, and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner, and any subsequent facts or personal history which may be brought officially to his knowledge bearing upon the question of the parole or final release of the prisoner; and it shall be the duty of

the warden, or, in his absence, the deputy warden, of each penitentiary to attend each meeting of the board of parole that is held at the penitentiary of which he is the warden, for the purpose of examining prisoners as to their fitness for parole. He shall advise with said board of parole concerning each case, and furnish said board of parole with his opinion, in writing, as to the fitness of each prisoner for parole, whose case said board may be considering. And it is hereby made the duty of every public officer to whom inquiry may be addressed by the clerk of the board of parole, concerning any prisoner, to give said board all information possessed or accessible to him, which may throw light upon the question of the fitness of said prisoner to receive the benefits of parole.

Sec. 3. It shall be the duty of the judge before whom any prisoner is convicted, and also the State's attorney of the county in which he is convicted, to furnish the board of parole an official statement of the facts and circumstances constituting the crime whereof the prisoner was convicted, together with all other information accessible to them in regard to the career of the prisoner prior to the time of the committal of the crime of which he was convicted, relative to his habits, associates, disposition and reputation, and any other facts and circumstances which may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a law abiding citizen. It shall be the duty of the official court reporter, at the dictation of the judge of the said court or the State's attorney of said county, to write the official statements of the judge and State's attorney above referred to at the time of the conviction of the prisoner, and it shall be the duty of the clerk of the court to cause such official statements to be attached to the mittimus with the copy of the judgment of the court at the time of issuing the same, and deliver the same, so attached to the mittimus, to the sheriff of the county

17 for transmission to the penitentiary, at the time of the delivery of the prisoner to  
18 the warden; and it shall be the duty of the warden to report to the board of  
19 parole the receipt of such prisoner with such other official information as the  
20 board may require within five days after the receipt of such prisoner.

Sec. 4. The said board of parole shall establish rules and regulations under  
2 which prisoners in the state penitentiaries may be permitted to go upon parole  
3 outside of the penitentiary buildings and enclosures. But no prisoner shall  
4 be released from either penitentiary on parole until the State Board of Parole  
5 shall have made arrangements, or shall have satisfactory evidence that ar-  
6 rangements have been made, for his honorable and useful employment while  
7 upon parole, in some suitable occupation, and also for a proper and suitable  
8 home, free from criminal influences and without expense to the State. *Pro-*  
9 *vided*, that if in the judgment of the board of parole the prisoner is capable  
10 independently of any such arrangements of making an honorable living, and is  
11 worthy of being left to his own resources, such prisoner may be so paroled, un-  
12 der the supervision of a parole agent. *And, provided, further*, that all prison-  
13 ers so temporarily released upon parole shall, at all times, until *their* receipt  
14 of their final discharge, be considered in the legal custody of the warden of the  
15 penitentiary from which they were paroled, and shall, during the said time, be  
16 considered as remaining under conviction for the crime of which they were  
17 convicted and sentenced, and subject at any time to be taken back within the  
18 enclosure of said penitentiary, and full power to enforce such rules and regu-  
19 lations and to retake and reimprison any inmate so upon parole, is hereby con-  
20 ferred upon the warden of said penitentiary, subject to the approval of the  
21 State Board of Parole, whose order or writ certified by the clerk of said peni-  
22 tentiary, with the seal of the institution attached, and directed to all sheriffs.



23 coroners, constables, police officers, or to any particular person named in said  
 24 order or writ, shall be sufficient warrant for the officer or other person named  
 25 therein, to authorize said officer or person to arrest and deliver to the warden  
 26 of said penitentiary the body of the conditionally released or paroled prisoner  
 27 named in said writ, and it is hereby made the duty of all sheriffs, coroners,  
 28 constables, police officers or other persons named therein to execute said order  
 29 or writ the same as other criminal process. In case any prisoner so condition-  
 30 ally released or paroled shall flee beyond the limits of the State, he may be re-  
 31 turned pursuant to the provisions of the law of the State relating to fugitives  
 32 from justice.

33 *Provided*, that the State Board of Parole may, in its discretion, permit any  
 34 prisoner to temporarily and conditionally depart from such penitentiary on pa-  
 35 role, and go to some county in this or another State and there remain within  
 36 the limits of the county named and not to depart from the same without writ-  
 37 ten authority from said board, for such length of time as the board may de-  
 38 termine, and upon the further condition that such prisoner shall, during the  
 39 time of his parole, be and continuously remain a law-abiding citizen of indus-  
 40 trious and temperate habits, and report to the board of parole the first day of  
 41 each month, giving a particular account of his conduct during the month, and it  
 42 shall be the duty of such board of parole, through its parole officers to investi-  
 43 gate such report and ascertain what have been the habits and conduct of such  
 44 prisoner during the time covered by such report. It shall also be the duty of  
 45 parole officers to keep secret the fact that any prisoner on parole is a paroled  
 46 prisoner, and in no case divulge such fact to any person or persons so long  
 47 as said prisoner obeys the terms and conditions of his parole.

Sec. 6. It shall be the duty of the board of parole to keep in communica-  
 2 tion with all prisoners who are on parole, also with their employers, and when,  
 3 in the opinion of the board, any prisoner who has served not less than six

4 months of his parole acceptably, and has given satisfactory evidence that his  
5 final release is not incompatible with the welfare of society, and the board  
6 shall be of the opinion that such prisoner can safely be trusted to be at liberty,  
7 the board shall have the power to cause to be entered of record in its office  
8 an order discharging such prisoner for, or on account of his conviction, which  
9 said order, when approved by the Governor, shall operate as a complete dis-  
10 charge of such prisoner in the nature of a release or commutation of his sen-  
11 tence, to take effect immediately upon the delivery of a certified copy thereof  
12 to the prisoner; and the clerk of the court in which the prisoner was convicted  
13 shall, upon presentation of such certified copy, enter the judgment of such con-  
14 viction satisfied and released pursuant to said order. It is hereby made the  
15 duty of clerks of the board of parole to send written notice of the fact to the  
16 warden of the penitentiary from which any prisoner on parole is finally re-  
17 leased by said board.

Sec. 9. The State Board of Parole shall have power and authority  
2 to appoint a chief parole agent, and such number of parole agents  
3 as may be necessary, not exceeding seven, to carry out the provi-  
4 sions of this Act, and to prescribe the duties of such agents. Such  
5 chief parole agent and parole agents shall at all times be subject to the  
6 authority and orders of said board. The chief parole agent shall receive a sal-  
7 ary not to exceed \$2,500 per year, and the parole agents salaries not to exceed  
8 \$1,500 each per year, payable monthly upon the certificates of the board of pa-  
9 role, and upon warrants drawn by the Auditor of Public Accounts, out of any  
10 money in the treasury not otherwise appropriated. The chief parole agent and  
11 parole agents shall also be allowed actual traveling expenses incurred while in  
12 the performance of their duties, and approved by the board to be paid in the  
13 manner above provided.

14       The board of parole shall maintain an office at the penitentiary at Joliet,  
15 and also one at the Southern penitentiary at Chester, with authority to employ  
16 a clerk at each place, whose compensation shall be not more than \$1,500 each,  
17 per annum.

Sec. 10. Every sentence to the Illinois State Reformatory of a person  
2 hereafter convicted of a felony or other crime, shall be a general sentence to  
3 imprisonment in the Illinois State Reformatory, and the courts of this State  
4 imposing such sentence shall not fix or limit the duration thereof. The term of  
5 such imprisonment of any person so convicted or sentenced shall be terminated  
6 by the board of parole, but only upon the recommendation, in writing, of the  
7 board of managers of the said reformatory; but such imprisonment shall not ex-  
8 ceed the maximum term provided by law, for the crime for which the prisoner  
9 was convicted and sentenced.





- 1   Reported from Senate, May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 1, 6 and 10 of an Act entitled "An Act to create a State Board of Pardons and to regulate the manner of applying for pardons and commutations," approved June 5, 1897, in force July 1, 1897.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 1, 6 and 10 of an Act entitled "An Act to create a State Board of Pardons and to regulate the manner of applying for pardons and commutations," approved June 5, 1897, in force July 1, 1897, be and the same are hereby amended so as to read as follows:

6      Sec. 1. That for the purpose of providing further regulations relative to  
7 the manner of applying for pardons, reprieves and commutations of sentences,  
8 as contemplated in section 13, article V, of the Constitution, there is hereby  
9 created a Board of Pardons to consist of three persons, not more than two of  
10 whom shall belong to the same political party, to be appointed by the Gov-

ernor, by and with the advice and consent of the Senate, who shall hold office for the term of three years respectively, and until their successors are appointed and confirmed. It shall be the duty of the State Board of Pardons also to exercise the functions of the State Board of Parole. No member of such board shall hold any other office or place of employment under the government of the United States, of this State, or of any of the municipal divisions thereof. At least one of the members of said board shall be a lawyer of sound legal training, and who has been admitted to practice in this State. The Governor shall designate one of said members to act as president during his term of appointment. Whenever any vacancy shall occur on said board such vacancy shall be filled by the Governor for the unexpired portion of the term in the manner provided for the original appointment. The Governor may remove any member of said board from office for misconduct, incompetency, or neglect of duty; and two members of said board shall constitute a quorum for the transaction of business.

Sec. 6. Regular quarterly meetings of said Board of Pardons shall be held on the second Tuesdays of the months of January, April, July and October in each year, for the purpose of considering pardons and matters relating thereto, and the members may be called in special meetings at any time at the summons of the Governor, or the chairman of the board.

Sec. 10. Each member of said board shall receive a salary of thirty-five hundred dollars (\$3,500.00) per annum payable in equal monthly installments, together with the actual expenses of any member incurred while traveling in the performance of his official duties as a member of the Board of Pardons or of the Board of Parole, and such salary shall be full compensation for acting as members of both of said boards, any provision in any existing Act to the contrary notwithstanding.

- 1
- Reported from Senate May 19, 1909.
- 2
- Read a first time, ordered printed and referred to Committee on Appropriations.

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A BILL

For an Act to make appropriation for ordinary and other expenses of the Illinois  
State Penitentiary at Joliet.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the following amounts, or so much thereof as  
may be necessary, be, and the same are hereby appropriated to the Illinois State  
Penitentiary at Joliet, for the purposes hereinafter named and no other:

|   |           |
|---|-----------|
| For ordinary expenses and for the expenses of the commissioners and<br>officers, for the year ending June 30, 1910..... | \$265,000 |
| For ordinary expenses and for the expenses of the commissioners and<br>officers for the year ending June 30, 1911 ..... | 265,000   |
| For meeting the expenses of maintaining and operating the parole sys-<br>tem, the sum of ten thousand per annm .....    | 20,000    |

11 For painting, relaying floors, renewing roofs and walls of buildings,  
 12       renewing and rebuilding steam and water pipes, engines, boilers  
 13       and machinery, and to make such other repairs and renewals as  
 14       may be required to keep said prison plant in ordinary repair, the  
 15       sum of \$6,250 per annum..... 12,500

16       The Auditor of Public Accounts is hereby authorized to draw his warrant  
 17 upon the Treasurer of the State for the moneys hereinbefore appropriated,  
 18 upon the order of the board of commissioners of said penitentiary, signed by  
 19 the president and attested by the secretary, with the seal of the institution at-  
 20 tached, and approved by the Governor.



- 1   Reported from Senate, May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to amend section 10 of an Act entitled, “An Act in regard to wills,”  
approved March 20, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 10 of an Act entitled, “An Act in  
3 regard to wills,” approved March 20, 1872, in force July 1, 1872, be amended  
4 so as to read as follows:

5      Sec. 10. All wills, testaments and codicils, which heretofore have been  
6 or shall hereafter be made, executed and published out of this State, may be  
7 admitted to probate in any county in this State in which the testator may  
8 have been seized of lands or other real estate, or in which his personal estate  
9 or part thereof shall be, at the time of his death, in the same manner, and  
10 upon like proof, as if the same had been made, executed and published in this  
11 State, whether such will, testament or codicil has first been probated in the

12 state, territory or country in which it was made and declared or not. And all  
13 original wills, or copies thereof, duly certified according to law, or exempli-  
14 fications from the records, in pursuance of the law of Congress in relation to  
15 records in foreign states, may be recorded as aforesaid, and shall be good  
16 and available in law, the same as wills proved in such county courts . For the  
17 • purpose of granting administration of both testate and intestate estates, the  
18 situs of specialty debts shall be where the instrument happens to be, and of  
19 simple contract debts and other choses in action where the debtor resides.

- 1 Reported from Senate May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 19 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 19 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, be amended so as to read as follows:

5       Sec. 19. Letters of administration upon the goods and chattels, rights and  
6 credits of a person dying intestate shall not be granted to any person not en-  
7 titled to the same as husband, widow, next of kin, creditor or public adminis-  
8 trator, within seventy-five days after the death of the intestate, without satis-  
9 factory evidence that the persons having the preference have relinquished their  
10 prior right thereto; and if within said seventy-five days letters of administra-  
11 tion of the estate of a resident intestate have been granted to the public ad-

12 ministrator or a creditor and it shall afterwards appear that there is a widow  
13 or husband or child of such intestate, who was at the time of the death of  
14 such intestate a resident of this State, the letters granted to such public ad-  
15 ministrator or creditor may be revoked, provided application is made by such  
16 widow or husband or child within six months after the death of such intestate;  
17 and upon such revocation such administrator shall forthwith deliver to his suc-  
18 cessor such estate subject to disbursements theretofore made and expenses in-  
19 curred in the administration of said estate.



- 1   Reported from Senate, April 15, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to enable courts of law to grant relief against fraud.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That hereafter in all suits at law in this State, where  
3 suit is brought upon any deed, covenant, release, or contract, whether the  
4 same be under seal or not, or in which any such deed, covenant, release, or  
5 contract is relied upon as a defense, either party to such suit may impeach  
6 the validity thereof, and allege and prove that such deed, covenant, release, or  
7 contract was obtained by fraud, or by fraud and circumvention, to the same  
8 extent, for the same purpose, and to the same effect as the same could be done  
9 in a court of equity.



- 1 Reported from Senate May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in relation to the adoption, use and price of public school text books in  
the free public schools of this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the publisher of any text book who desires to offer  
3 the same for sale for use in the public schools of this State shall file two official  
4 sample copies of said text book in the office of the Superintendent of Public In-  
5 struction, together with the list price and the wholesale and retail prices at  
6 which the said text book is to be offered for sale in this State. The said pub-  
7 lisher shall also file with the Superintendent of Public Instruction a written  
8 agreement to furnish said text book at the wholesale price so filed to the direc-  
9 tors of any public school district, or to any board of education, or to any mer-  
10 chant or dealer, and at the retail price so filed to any patron of the public schools;

the said written agreement shall contain the further guarantee that all books offered for sale and sold in this State shall correspond to the official sample copies deposited with the Superintendent of Public Instruction, and shall be equal in quality to said official sample copies as regards text, paper, binding, printing, illustration and all other points affecting the educational and commercial value of said text books. For every text book deposited with the Superintendent of Public Instruction, the publisher shall pay to the State treasury a fee of \$10.00, to constitute a fund to be used by the Superintendent of Public Instruction to defray the expenses of printing and distributing lists of accredited text books and information relating thereto, and for other expenses incident to the filing and listing of text books, and the licensing of publishers, as hereinafter provided: *Provided, always,* that the Superintendent of Public Instruction shall not in any case license any publisher, and no directors of any school district or any board of education shall contract with any publisher or publishers for the furnishing of any public school text book or text books which shall be sold at retail prices to patrons, for use in the public schools of this State, at a price or prices above, or in excess of, the following prices, which shall include all charges whatsoever:

|                             |                        |
|-----------------------------|------------------------|
| Primer .....                | fifteen (15) cents     |
| First reader .....          | fifteen (15) cents     |
| Second reader .....         | twenty (20) cents      |
| Third reader .....          | twenty-five (25) cents |
| Fourth reader .....         | thirty (30) cents      |
| Fifth reader .....          | thirty-five (35) cents |
| Spelling book .....         | fifteen (15) cents     |
| Elementary arithmetic ..... | thirty (30) cents      |
| Complete arithmetic .....   | forty-five (45) cents  |
| Elementary geography .....  | thirty-five (35) cents |



|    |  |                         |
|----|--|-------------------------|
| 39 | Complete geography .....               | seventy-five (75) cents |
| 40 | Elementary English grammar .....       | twenty-five (25) cents  |
| 41 | Complete English grammar .....         | forty (40) cents        |
| 42 | Elementary physiology .....            | thirty (30) cents       |
| 43 | Complete physiology .....              | fifty (50) cents        |
| 44 | Elementary United States history ..... | forty (40) cents        |
| 45 | Complete United States history .....   | seventy (70) cents      |
| 46 | Physical geography .....               | eighty (80) cents       |
| 47 | Copy book .....                        | five (5) cents          |
| 48 | Civics book .....                      | fifty (50) cents        |

Sec. 2. At the time of the filing by the publisher of the official sample copies,

2 prices, agreements and statements provided for in the preceding section, the  
3 said publisher shall file at the office of the Superintendent of Public Instruction  
4 a sworn statement to the effect that he has no understanding, agreement or ar-  
5 rangement of any kind whatsoever with any other publisher, or any interest in  
6 the business of any other publisher, with the effect, design, or intent to control  
7 the prices of school text books, or to restrict competition in the adoption or sale  
8 thereof in this State. Before having the authority to sell text books in this  
9 State the publishers thereof shall file at the office of the Superintendent of  
10 Public Instruction a sworn statement showing the ownership of said publishing  
11 house, with the interest, names and addresses of all owners or persons interested  
12 therein, and specifically stating whether said publisher, or the owner of any in-  
13 terest or share or the recipient of any of the profits of such publishing house  
14 is the owner of any interest or share in or the recipient of any profits of any  
15 other publishing house, and if so, giving the name and address thereof.

Sec. 3. When any school text book has been deposited with the Superinten-

2 dent of Public Instruction, the fee paid, the agreement made, and the other

3 provisions of this Act complied with, said publisher shall file with the Superin-  
4 tendent of Public Instruction a bond in the penal sum of five thousand (\$5,000)  
5 dollars, guaranteeing a compliance with the agreement filed with said text book,  
6 and the payment of any damages which may accrue on the violation thereof.  
7 and the Superintendent of Public Instruction shall thereupon cause the said  
8 text book to be entered upon the list of school text books permitted to be used in  
9 the public schools of the State, and the Superintendent of Public Instruction  
10 shall further issue a license to the said publisher to sell said text book for use  
11 in the public schools of this State. If in any case the said publisher shall vio-  
12 late in any particular the agreement so filed with the said text book, or shall  
13 furnish books inferior in quality to the sample deposited with the Superinten-  
14 dent of Public Instruction, or shall demand, charge or accept higher prices than  
15 the prices agreed upon, said publisher shall be liable for each such act to a  
16 penalty in the sum of \$2,000, to be recovered in a suit on said bond brought by the  
17 Attorney General in the name of the State.

Sec. 4. If at any time any publisher of school text books shall enter into  
2 any pool, understanding, agreement or combination to control the prices, or re-  
3 strict competition in the adoption or sale of public school text books in this State,  
4 or if the statements required of and made by said publisher are untrue in any  
5 matter, or if said publisher, or his agent, or representative shall give, or offer to  
6 give, directly or indirectly, to any public school officer, or teacher, any money,  
7 gift, property, position, remunerative work, or favor of any kind whatsoever to  
8 induce the adoption or purchase of the public school text books of said publisher,  
9 or to bring about the rejection of the school text books of another publisher, then  
10 his license shall be revoked by the Superintendent of Public Instruction, and  
11 his school text books omitted from the list of licensed school text books, and  
12 all contracts with said publisher may be nullified at the option of the other parties  
13 thereto.

Sec. 5. The Superintendent of Public Instruction shall during the month of

2 February each year furnish each county superintendent of schools and each board  
3 of school directors and board of education in the State a list of the publishers  
4 who have conformed to the requirements of this Act, with a list and description  
5 of the school text books which have been accredited, with the list prices, and the  
6 wholesale and retail prices of said books. Before entering into any contract  
7 with any board of education or board of directors, the publisher shall furnish the  
8 county superintendent of schools and the secretary of the board of education or  
9 board of directors in whose jurisdiction the contract is sought with a duplicate  
10 printed list of the school text books filed by him with the Superintendent of Pub-  
11 lic Instruction, together with the list of prices and the lowest wholesale and retail  
12 prices shown on the statement filed therewith, with samples of the school text  
13 books in said list referred to and said lists and samples shall be preserved as  
14 a part of the records of the secretary of the said board of education or board  
15 of directors, together with the bid of the publisher, to be delivered by the secre-  
16 tary to his successor, and shall be kept in such safe and convenient manner  
17 as to be at all times open to the inspection of school officers, school teachers,  
18 and school patrons who may desire to examine the same, or to compare them  
19 with others. The board of education or board of directors may require any  
20 person or persons with whom they may contract for furnishing text books to  
21 enter into a good and sufficient bond, in such sum and under such conditions and  
22 sureties as may be required by such board, for the faithful performance of any  
23 such contract.

Sec. 6. Before adopting for use in the public schools under their respective

2 jurisdictions any school text books under the provisions of this Act,  
3 it shall be the duty of each board of education or board of directors to adver-  
4 tise for bids, by publishing a notice once a week for three consecutive weeks in  
5 one or more newspapers of general circulation published in the city or district;



6 said notice shall state the time up to which said bids will be received, the time  
 7 at which they will be opened, which must be at an open meeting of the board of  
 8 education or board of directors; said notice shall also state the classes and  
 9 grades for which the text books are to be bought, and the approximate quantity  
 10 needed; and the said board shall award the contract for said text books to any  
 11 responsible bidder or bidders offering suitable licensed text books at the lowest  
 12 prices, taking into consideration the quality of the material used, illustrations,  
 13 binding, printing, authorship, and all other things that go to make up a de-  
 14 sirable text book: *Provided*, that the said board may reject any and all bids, or  
 15 any part thereof, and re-advertise therefor, as above provided.

Sec. 7. It shall be a part of the terms and conditions of every contract made  
 2 in pursuance of this Act that the State of Illinois, or any board of education  
 3 or directors, shall not be liable to any contractor hereunder for any sum what-  
 4 ever; but all such contractors shall receive their compensation solely and ex-  
 5 clusively from the proceeds of the sale of the books, as provided by  
 6 this Act.

Sec. 8. Any publisher, merchant, dealer or other person or persons who  
 2 shall directly or indirectly demand or receive any money for any school text  
 3 book or books in excess of the prices for such book or books filed with the  
 4 Superintendent of Public Instruction, as hereinbefore provided, shall be deemed  
 5 guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum  
 6 not less than twenty-five nor more than five hundred dollars, to which may be  
 7 added imprisonment in the county jail for a term not exceeding sixty days.

Sec. 9. Text books shall not be changed more often than once in five  
 2 years. Text books shall not be changed in the middle of a school year, but all  
 3 changes shall go into effect at the beginning of the first term of school after  
 4 the summer vacation.



Sec. 10. In the adoption of school text books, it shall be the duty of the  
2 board of education or the board of directors to take into consideration the text  
3 books then in use in the public schools in their respective districts, and in making  
4 contracts for a change of books they shall require publishers or contractors to  
5 take up in part exchange the books then in use for at least fifty per cent of the  
6 original price paid by the pupil for the books.



- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections one and two of an Act entitled, "An Act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments," in force July 1, 1895, of which section 1 was amended by Act approved May 12, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That sections one and two of an Act entitled, "An  
3 Act to enable cities, towns and villages organized under any general or special  
4 law to levy and collect a tax or license fee from foreign insurance companies  
5 for the benefit of organized fire departments," in force July 1, 1895, of which  
6 section 1 is amended by Act approved May 12, 1905, in force July 1, 1905, be  
7 and the same is hereby amended to read as follows:

8       Sec. 1. All corporations, companies and associations not incorporated  
9 under the laws of this State, and which are engaged in any city, town or vil-  
10 lage organized under any general or special law of this State, in affecting fire  
11 insurance, shall pay to the treasurer of the city, town or village for the main-  
12 tenance, use and benefit of the fire department thereof, a sum not exceeding  
13 two per cent of the gross receipts received by their agency in such city, town  
14 or village; and any city, town or village of less than fifty thousand inhabit-  
15 ants, having an organized fire department, shall cause to be passed an ordi-  
16 nance providing for the election of officers of such organized fire department,  
17 by the department, which shall include a treasurer, and make all such rules  
18 and regulations in respect thereof and the management of said fund as may be  
19 needful; that in all such cities, towns or villages the treasurer shall pay  
20 such sum received from insurance companies to the treasurer of the  
21 fire department of the city, town or village in which it is collected. The  
22 treasurer of such fire department shall give a sufficient bond to the city, town  
23 or village in which such fire department is organized, to be approved by the  
24 president of the village, or mayor, as the case may be, conditioned for the  
25 faithful performance of his duties under the ordinances passed as aforesaid  
26 by said city, town or village; and the treasurer of the fire department shall  
27 receive the money so collected and shall pay out the same upon the order of  
28 the said fire department for the purposes of the maintenance, use and benefit  
29 of such department: Provided, that in any city, town or village where  
30 a fireman's pension fund is or may be established under other laws of this State  
31 fifty per cent of the amount so collected shall be set apart and appropriated by  
32 the city, town or village to the fund for the pensioning of disabled and super-  
33 annuated members of the fire department, and of the widows and orphans of de-  
34 ceased members of the fire department of cities, towns and villages having an  
35 organized fire department. Cities, towns and villages are hereby empowered



36 to prescribe by ordinance the amount of tax or license fee to be fixed, not in  
37 excess of the above rate, and at that rate such corporations, companies and  
38 associations shall pay upon the amount of all premiums which, during the year  
39 ending on every first day of July, shall have been received for any insurance  
40 effected or agreed to be effected in the city, town or village, by or with such  
41 corporation, companies or association respectively. Every person who shall  
42 act in any city, town or village as agent or otherwise, for or on behalf of such  
43 corporation, company or association, shall, on or before the fifteenth day of July,  
44 of each and every year, render to the city, town or village clerk a full, true and  
45 just account, verified by his oath, of all the premiums which, during the year  
46 ending on every first day of July preceding such report, shall have been re-  
47 ceived by him, or any other person for him, in behalf of any such corporation,  
48 company or association, and shall specify in said report the amounts received  
49 for fire insurance. Such agents shall also pay to the treasurer of any such city,  
50 town or village, at the time of rendering the aforesaid report, the amount of  
51 rates fixed by the ordinance of the said cities, towns or villages, for which the  
52 companies, corporations or associations represented by them are severally  
53 chargeable by virtue of this Act, and the ordinance passed in pursuance there-  
54 of. If such account be not rendered on or before the day herein designated for  
55 that purpose, or if the said rates shall remain unpaid after that day, it shall be  
56 unlawful for any corporation, company or association so in default to transact  
57 any business or insurance in any such city, town or village until the said  
58 requisition shall have been fully complied with; but this provision shall not  
59 relieve any company, corporation or association from the payment of any risk  
60 that may be taken in violation hereof.

61       Sec. 2. Any person or persons violating any of the provisions of this Act  
62 shall be subject to indictment, and upon conviction thereof in any court of com-  
63 petent jurisdiction, shall be fined in any sum not exceeding one thousand dol-

64 lars or imprisonment in the county jail not exceeding six months, either or both  
65 in the discretion of the court. The amount of said tax or license fee may be  
66 also recovered of said corporation, company or association or its agents, by an  
67 action in the name and for the use of any such city, town or village as for  
68 money had and received: *Provided*, that this Act shall only apply to such cities,  
69 towns and villages as have *established and maintained, by and under municipal*  
70 *ordinances, a fire department for the prevention of fires.*

- 1 Reported from Senate April 22, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 2 of an Act entitled, “An Act to enable park commis-

sioners or park authorities to take, regulate, control and improve public streets

and to pay for the improvement thereof,” approved June 21, 1895, in force July

1, 1895.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 2 of an Act entitled, “An Act to en-

3 able park commissioners or park authorities to take, regulate, control and im-

4 prove public streets and to pay for the improvement thereof,” approved June

5 21, 1895, in force July 1, 1895, be, and the same is, hereby amended to read as

6 follows:

7 Sec. 2. That such board of park commissioners or park authorities shall

8 have power to improve such street or streets, or parts thereof, in such man-

9 ner as they may deem best and as they have or may hereafter have power to

10 improve other streets under their control, and for that purpose they are hereby  
11 authorized to pay for the improvement thereof by levying, assessing and col-  
12 lecting a special tax on contiguous property abutting on said street or streets  
13 or parts thereof so improved, or a special assessment on property benefited, in  
14 the manner in which said board of park commissioners or park authorities are  
15 now or may be hereafter empowered by law to levy, assess and collect special  
16 taxes on contiguous property or special assessments for benefits in other cases,  
17 or to pay therefor by general taxation, or both, but no such special tax or spec-  
18 ial assessment shall be levied for the maintenance and repair of such improved  
19 street, but the same shall be maintained and repaired by said park boards or  
20 park authorities as in other cases. And such special taxes or special assess-  
21 ments as are hereby authorized may be divided into not exceeding ten annual  
22 installments, bearing six per cent per annum interest from the date of con-  
23 firmation thereof by the court until paid, and the same shall be collected and  
24 enforced in the same manner as is or may hereafter be provided by law for  
25 the collection and enforcement of other special taxes or special assessments for  
26 or on account of said park commissioners or park authorities, so far as the  
27 same is applicable.



- 1 Reported from Senate April 22, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 2 of an Act entitled “An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property,” approved and in force April 9, 1879; as amended by an Act approved June 16, 1887, in force July 1, 1887.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled “An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property.” approved and in force April 9, 1879, as amended by an Act approved June 16, 1887, in force July 1, 1887, be, and the same is, hereby amended to read as follows:

9       Sec. 2. That such park commissioners, or such corporate authorities as are  
10 by law authorized to levy taxes or assessments for the maintenance of such  
11 parks, shall have power to improve, maintain and repair such street or streets  
12 in such manner as they may deem best, and for that purpose they are hereby  
13 authorized to pay for the improvement thereof, and from time to time to levy  
14 or cause to be levied and collected, a special tax or assessment on contiguous  
15 property abutting upon such street so improved for a sum of money not ex-  
16 ceeding the estimated cost of such first improvement or improvements, as shall  
17 be ordered and estimated by such board of park commissioners, but not for any  
18 subsequent care, maintenance or repair thereof; and to that end such board or  
19 corporate authorities shall have all the power and authority now or hereafter  
20 granted to them respectively, relative to the levy, assessment and collection of  
21 taxes, or assessment for corporate purposes; and such special tax or assess-  
22 ments as are hereby authorized may be divided into not exceeding ten annual in-  
23 stallments, bearing interest at the rate of six per cent per annum from the  
24 date of confirmation until paid, and the assessment or installments thereof shall  
25 be collected and enforced in the same manner as is provided by law for the col-  
26 lection and enforcement of other taxes or assessments for, or on account of  
27 such corporate bodies or boards, as aforesaid, so far as the same are applicable.

- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to regulate the public service of stallions in Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* Every person, firm or company standing or offering

3 any stallion for public service in this State shall cause the name, description,

4 and pedigree of such stallion to be enrolled by a stallion registration board

5 hereinafter provided for and secure a license from said board as provided in

6 section 3 of this Act. All enrollment and verification of pedigree shall be

7 done in the office of the secretary of the Illinois State Board of Agriculture. All

8 license certificates for stallions issued under this Act shall thereupon be pre-

9 sented to and recorded by the register of the deeds of the county or counties

10 in which said stallion is used for public service.

Sec. 2. In order to carry out the provisions of this Act, there shall be con-

2 stituted a stallion registration board, whose duty it shall be to verify and reg-

3 ister pedigrees; to pass upon certificates of veterinary examination; to pro-  
4 vide, when necessary, for veterinary inspection; to issue stallion license cer-  
5 tificates; to make all necessary rules and regulations; and to perform such  
6 other duties as may be necessary to carry out and enforce the provisions of  
7 this Act. Said board shall hold meetings at the office of the secretary of the  
8 Illinois State Board of Agriculture, the first Tuesday and subsequent days of  
9 February, May, August and November of each year and such other meetings  
10 as may be necessary.

11 The stallion registration board shall be composed of five members consist-  
12 ing of the secretary of the Illinois State Board of Agriculture, who shall be, *ex*  
13 *officio*, secretary and executive officer of this board; the State veterinarian, who  
14 is a member of the State Board of Live Stock Commissioners; the president and  
15 the secretary of the Illinois Horse Breeders' Association, who shall not be one  
16 and the same person; and the president of the Illinois Farmers' Institute.

Sec. 3. In order to obtain the license certificate herein provided for, the  
2 owner of each stallion shall forward an affidavit signed by a li-  
3 censed veterinarian to the effect that he has personally examined  
4 such stallion and that to the best of his knowledge and belief said  
5 stallion is free from hereditary, infectious, contagious, or transmis-  
6 sible disease or unsoundness. The owner of said stallion shall also furnish  
7 to the stallion registration board the stud book certificate of registry of the  
8 pedigree of the said stallion when said stallion is registered and all other nec-  
9 essary papers relative to his breeding and ownership. Upon verification of  
10 pedigree and certificate of breeding (in case of pure bred stallions) and receipt  
11 of veterinarian's affidavit as provided for in this Act, a license certificate shall  
12 be issued to the owner.



Sec. 4. The presence of any one of the following named diseases shall dis-  
 2 qualify a stallion for public service and the inspecting veterinarian is hereby  
 3 duly authorized to refuse to give an affidavit of soundness to the owner of such  
 4 stallions affected with any one or more of the diseases herein specified in a  
 5 transmissible or hereditary form, and the inspecting veterinarian shall so re-  
 6 port the same to the secretary of the stallion registration board:

7 Periodic opthalmia (moon blindness); bone spavin; ringbone; bog spavin;  
 8 curb when accompanied with curby formation of hock; or any contagious or in-  
 9 fectious disease.

Sec. 5. The stallion registration board shall make and keep records of all  
 2 stallions enrolled in the State of Illinois, said stallions to be enrolled as "pure  
 3 bred," "cross bred," or "grade," according as the facts may have been de-  
 4 termined. Upon making the enrollment of said stallion the stallion registration  
 5 board shall issue the above said license.

6 The stallion registration board is authorized in cases of emergency to  
 7 grant temporary license certificates without veterinary examinations, upon re-  
 8 ceipt of an affidavit of the owner to the effect that to the best of his knowledge  
 9 and belief said horse is free from infectious, contagious or transmissible dis-  
 10 ease or unsoundness. Temporary license certificate shall be valid only until  
 11 veterinary examination can reasonably be made.

Sec. 6. The owner of any stallion used for public service in this State  
 2 shall post and keep affixed, during the entire breeding season, copies of the  
 3 license certificate of such stallion, issued under the provisions of this Act, in a  
 4 conspicuous place both within and upon the outside of the main door leading  
 5 to every stable or building where the said stallion is used for public service.

6 Each bill and poster and each newspaper advertisement shall show the en-  
 7 rollment certificate number and state whether it reads "pure bred, grade or  
 8 cross bred."

Sec. 7. The license certificate issued for a stallion whose sire and dam are  
 of pure breeding and the pedigree of which is registered in a stud book recog-  
 nized by the United States Department of Agriculture, Washington, D. C., an  
 Act regulating the importation of breeding animals, approved March 3, 1903,  
 shall be in the following form:

# ILLINOIS STALLION REGISTRATION BOARD.

Certificate of Pure-Bred Stallion No.....

The pedigree of the stallion (name) .....

Owned by ..... Bred by.....

Described as follows:

Color ..... (Breed) .....

Foaled in the year....., has been duly examined, and it is hereby certi-  
 fied that the said stallion is registered as number ..... in .....  
 stud book, said stud book being recognized and certified to by the secretary of  
 the Department of Agriculture, Washington, D. C. The above named stallion  
 has been examined by.....veterinarian, and is reported as free  
 from infectious, contagious, or transmissible disease or unsoundness, and is  
 licensed to stand for public service in the State of Illinois.

This license expires on.....19....

(Signed).....

Secretary Illinois State Board of Agriculture  
 and Stallion Registration Board.

Date .....19....

The license certificate issued for a grade stallion whose sire or dam is  
 not pure-bred shall be in the following form:

# ILLINOIS STALLION REGISTRATION BOARD.

Certificate of Grade Stallion No.....

The pedigree of the stallion (name) .....

Owned by ..... (Bred by) .....

Described as follows:

31 (Color) .....Foaled in the year.....  
 32 has been duly examined, and it is hereby certified that the said stallion is not  
 33 of pure breeding and is, therefore, not eligible for registration in any stud book  
 34 recognized and certified to by the secretary of the Department of Agriculture,  
 35 Washington, D. C. The above named stallion has been examined by.....  
 36 .....veterinarian, and is reported as free from infectious, con-  
 37 tagious, or transmissible disease or unsoundness, and is licensed to stand for  
 38 public service in the State of Illinois.

39 This license expires on .....19....  
 40 (Signed).....  
 41 Secretary Illinois State Board of Agriculture  
 42 and Stallion Registration Board.  
 43 Date .....19....

44 The license certificate issued for a stallion whose sire and dam are pure-  
 45 bred, but not of the same breed, shall be in the following form:

46 ILLINOIS STALLION REGISTRATION BOARD.

47 Certificate of Cross-Bred Stallion No.....  
 48 The pedigree of the stallion (name) .....  
 49 Owned by.....(Bred by) .....  
 50 Described as follows:  
 51 (Color).....  
 52 Foaled in the year....., has been duly examined, and it is found  
 53 that his sire is registered in the.....stud book as number.....  
 54 and his dam in the.....studbook as number..... volume.....  
 55 and page.....

56 Such being the case, the said stallion is not eligible for registration in any  
 57 stud book recognized and certified to by the secretary of the Department of  
 58 Agriculture, Washington, D. C. The above named stallion has been examined  
 59 by.....veterinarian, and is reported as free from infectious, con-  
 60 tagious, or transmissible disease or unsoundness, and is licensed to stand for  
 61 public service in the State of Illinois.

62 This license expires on .....19....  
 63 (Signed).....  
 64 Secretary Illinois State Board of Agriculture  
 65 and Stallion Registration Board.  
 66 Date .....19....

Sec. 8. FEES.] A fee of \$2.00 shall be paid to the secretary of the Illinois Stallion Registration Board for the examination and enrolment of each stallion pedigree and for issuance of a license certificate in accordance with the breeding of the stallion as above provided, which shall be good for a period of one year, and to carry out the provisions of this Act. The fee shall be paid to the secretary of the Illinois Stallion Registration Board at the time the application is made for enrolment.

Upon a transfer of the ownership of any stallion enrolled under the provisions of this Act, the certificate of enrolment may be transferred to the transferee by the secretary of the Illinois Stallion Registration Board upon submittal of satisfactory proof of such transfer of ownership and upon payment of a fee of fifty cents. A fee of \$1.00 shall be paid annually for the renewal of a license certificate.

Sec. 9. Every stallion passing inspection shall be exempt from further inspection, unless from later developments it becomes known, and a complaint is filed, certified to by three men, one of whom shall be a licensed veterinarian, that said stallion has some hereditary, contagious or infectious disease, which was not evident at the time of previous inspection. When such complaint is made and a request for inspection is asked for, such complaint shall be filed with the secretary of the Illinois Stallion Registration Board, who shall have another examination made. If such complaint is verified it shall be so reported to the secretary, who shall revoke the license force.

*Provided*, that the owner of any stallion used for public service in this State shall have a lien on all colts sired by said stallion for the service fee for a period of one year from the date of the foaling of said colt.

Sec. 10. Violation of any of the provisions of this Act shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not exceeding one hundred dollars (\$100.00) for each offense.



Sec. 11. The funds accruing from the above named fees shall be used by

2 the stallion registration board to defray the expenses of enrolment of pedi-  
3 grees and issuance of licenses; to provide for the examination of stallions  
4 when necessary; to publish reports or bulletins containing lists of stallions ex-  
5 amined, which shall be not less than every two years; to encourage the horse  
6 breeding interests of this State; to disseminate information pertaining to  
7 horse breeding, and for any other such purposes as may be necessary to carry  
8 out the purposes and enforce the provisions of this Act. Each member of the  
9 above committee, excepting the secretary, shall receive five dollars (\$5.00) per  
10 day for each day actually employed under the provisions of this Act, together  
11 with his traveling expenses; the secretary shall receive for his services an  
12 amount agreed upon by the board.

13 It shall be the duty of the above said stallion registration board to make  
14 an annual report, including financial statement, to the Governor of the State,  
15 and to enforce this law. All financial records of said board shall be subject to  
16 inspection at any time by the public examiner.

Sec 12. This Act shall take effect and be in force on and after January 1.

2 1910.



1 Reported from House, April 21, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act for the regulation of pawnbrokers, and repealing a certain Act therein  
named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That every person or company engaged in the busi-  
3 ness of receiving property in pledge or as security for money or other thing  
4 advanced to the pawner or pledger, shall be held and is hereby declared and  
5 defined to be a pawnbroker.

Sec. 2. It shall be unlawful for any pawnbroker, as herein provided, to  
2 charge or collect a greater benefit or percentage upon money advanced, and  
3 for the use and forbearance thereof, than the rate of three per cent per month:  
4 *Provided*, that nothing herein shall be construed so as to conflict with the law  
5 pertaining to usury; and the person receiving money so advanced shall not  
6 be held to pay any storage, insurance or other charges other than such interest  
7 as herein provided.

Sec. 3. Every pawnbroker shall at all times have and keep section 2 of  
2 this Act printed in the English language and framed and posted in a promi-  
3 nent and conspicuous position in his place of business, so that the same shall  
4 be plainly legible and visible to all persons depositing or pledging property  
5 with such pawnbroker.

Sec. 4. Every pawnbroker shall, at the time of making any advancement  
2 or loan, deliver to the person pawning or pledging any property a memoran-  
3 dum or note signed by him containing an accurate account and description, in  
4 the English language, of all the goods, articles or other things pawned or  
5 pledged, the amount of money, value of thing loaned thereon, the time of pledg-  
6 ing the same, the rate of interest to be paid on such loan and the name and  
7 residence of the person making such pawn or pledge.

Sec. 5. Every pawn and loan broker shall keep a book in which shall be  
2 written in ink, at the time of each and every loan or taking of a pledge, an  
3 accurate account and description, in the English language, of all the goods,  
4 articles and other things pawned or pledged, the amount of money, value or  
5 thing loaned thereon, the time of pledging the same, the rate of interest to be  
6 paid on such loan, and the name and residence of the person making such  
7 pawn or pledge. No entry in such book shall be erased, mutilated or changed.

Sec. 6. The said book, as well as every article or other thing of value so  
2 pawned or pledged, shall at all times be open to the inspection of the sheriff  
3 of the county, his deputies or any members of the police force of any city in  
4 the county in which such pawnbroker does business.

Sec. 7. It shall be the duty of every pawnbroker to make out and deliver  
2 to the sheriff of the county in which such pawnbroker does business, on each  
3 day before the hour of 12 o'clock noon, a legible and correct copy from said



4 book, as required in section 5 of this Act, of all personal property and other  
5 valuable things received on deposit or purchased during the preceding day, to-  
6 gether with the exact time when received or purchased, and a description of the  
7 person or persons by whom left in pledge, or from whom the same were pur-  
8 chased: *Provided*, that in cities or towns having twenty-five thousand or more  
9 inhabitants, a copy of the said report shall at the same time also be delivered  
10 to the superintendent of police or the chief police officer of such city or town.

Sec. 8. No pawnbroker shall take or receive any pawn or pledge for any  
2 advancement or loan, any property of any kind from any minor, or the owner  
3 ship of which is in, or which is claimed by, any minor, or which may be in the  
4 possession or under the control of any minor.

Sec. 9. No pawnbroker shall take any article in pawn or pledge from any  
2 person appearing to be intoxicated, nor from any person known to be a thief  
3 or to have been convicted of larceny; and when any person is found to be the  
4 owner of stolen property which has been pawned, such property shall be re-  
5 turned to the owner thereof without the payment of the money advanced by the  
6 pawnbroker thereon or any costs or charges of any kind which the pawnbroker  
7 may have placed upon the same.

Sec. 10. No personal property received on deposit or pledge, or purchased  
2 by any such pawnbroker, shall be sold or be permitted to be redeemed or re-  
3 moved from the place of business of such pawnbroker for the space of twenty-  
4 four hours after the delivery of the copy and statement required by section 7  
5 of this Act required to be delivered to the officer or officers named therein; and no  
6 personal property pawned or pledged shall be sold or disposed of by any such  
7 pawnbroker within one year from the time when the pawner or pledger shall  
8 make default in the payment of the interest on the money so advanced by such  
9 pawnbroker, unless by the written consent of such pawner or pledger.

Sec. 11. Every pawnbroker who shall be found guilty of a violation of the  
2 provisions of this Act, shall, for the first offense, be fined a sum not less than  
3 twenty dollars, nor more than one hundred dollars, and for each subsequent  
4 offense not less than fifty dollars, nor more than two hundred dollars, or im-  
5 prisonment in the county jail not exceeding thirty days, or either or both, in  
6 the discretion of the court: *Provided*, that this Act shall not be construed as  
7 to, in anywise, impair the power of cities or villages in this State to license, tax,  
8 regulate, suppress and prohibit pawnbrokers as now provided by law.

Sec. 12. An Act for the regulation of pawnbrokers, approved June 4,  
2 1879, in force July 1, 1879; as amended by an Act approved May 14, 1903, in  
3 force July 1, 1903, is hereby repealed.

- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act providing for the sale to the Illinois Steel Company of the interest of  
the State of Illinois in certain lands.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the right, title and interest of the State of Illi-  
3 nois in and to the lands now and heretofore submerged beneath the waters of  
4 Lake Michigan, and described as follows, shall be granted, quit-claimed and  
5 conveyed to the Illinois Steel Company in fee, that is to say: Commencing at  
6 a point at the intersection of the south line of Seventy-ninth street extended,  
7 in the city of Chicago, with the present shore line of Lake Michigan, and run-  
8 ning thence east along said south line of Seventy-ninth street, extended, to  
9 a point which is seventeen hundred ten (1710) feet east of the west line of sec-  
10 tion thirty-two (32), township thirty-eight (38) north, range fifteen (15) east  
11 of the third principal meridian, and which point is approximately one thou-

12 sand feet east of the present shore line of Lake Michigan; running thence south  
 13 sixty-one (61) degrees thirty (30) minutes, east three thousand ten (3010) feet;  
 14 thence southerly to a point on the north line of the Calumet river, which said  
 15 point is four hundred fifteen (415) feet westerly from the east end of the pier,  
 16 or breakwater constructed by the United States government along the north  
 17 line of the Calumet river; thence westerly along said north line of the Calumet  
 18 river to the original meander line of Lake Michigan, according to the govern-  
 19 ment survey; thence northerly along said original meander line to the present  
 20 shore line of Lake Michigan; thence northerly along said present shore line  
 21 of Lake Michigan to the place of beginning; subject, however, to all rights and  
 22 interests of the government of the United States and upon the following con-  
 23 ditions:

24 *First*—That the said Illinois Steel Company shall pay into the treasury of  
 25 the State of Illinois, within sixty (60) days from the passage of this Act, the  
 26 sum of thirty-seven thousand five hundred dollars (\$37,500.00);

27 *Second*—That not less than five acres of the lands aforesaid shall be so  
 28 conveyed at any one time, and that any such part of such lands shall not be  
 29 so conveyed until the same, not less than five acres in area, shall have been  
 30 filled in and reclaimed and raised above the surface of Lake Michigan.

31 *Third*—That any part of such lands, which shall not have been filled in and  
 32 reclaimed, and raised above the surface of Lake Michigan, within fifteen years  
 33 from the date that this Act shall go into effect, shall revert to the State, and  
 34 the said Illinois Steel Company shall have no further right by virtue hereof  
 35 to fill in and reclaim such part;

36 *Fourth*—That said Illinois Steel Company shall have free and unob-  
 37 structed access from such of said lands as may be filled in and reclaimed as  
 38 aforesaid, to Lake Michigan, but shall not have any other riparian rights ap-  
 39 purtenant thereto.



Sec. 2. Upon payment being made, as above provided, and upon the filing in the office of the Secretary of State, from time to time, of good and sufficient evidence that any part of such lands, not less than five acres in area, has been filled in and reclaimed, as aforesaid, then a patent shall be issued under the great seal of State, by the Governor and Secretary of State, conveying such part of said lands, but not less than five acres, at any one time, to the said Illinois Steel Company, in accordance with the provisions of this Act.



- 1    Reported from Senate, April 8, 1909.
- 2    Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to provide for judges of circuit courts and judges of the superior court of Cook county holding court in the several circuits of the State and Cook county by order of the supreme court or any judge thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That whenever any two judges of any judicial cir-  
3 cuit in the State of Illinois, exclusive of Cook county, or a majority of the  
4 judges of the circuit court of Cook county, or a majority of the judges of the  
5 superior court of Cook county, shall so request and state in writing to the su-  
6 preme court of this State or to any judge thereof in vacation that the number of  
7 cases upon the several dockets of the said several courts of any such judicial  
8 circuit or of Cook county, as the case may be, is such as to require the assistance  
9 of a judge or judges not residing within such judicial circuit or the county of  
10 Cook, as the case may be, the supreme court, or the judge thereof, to whom such

11 request and statement is made. in vacation, if satisfied of the correctness of the  
12 statements contained in such request, may, by a written order, assign any  
13 judge of the circuit court of the State or any judge of the superior court of  
14 Cook county to hold court in any of the circuit courts of the State or in the  
15 superior court of Cook county, as the case may be, according to such request:  
16 *Provided*, that no judge of said circuit or superior courts shall be required to  
17 hold court outside of his circuit or Cook county, as the case may be, at a time  
18 when the business of the courts of such circuit or Cook county, as the case may  
19 be, requires his services, nor shall any judge of said circuit or superior courts  
20 by reason of any such assignment to hold court outside of his circuit or Cook  
21 county, as the case may be, be required to hold court in the aggregate more  
22 than eight months in any year from the first day of June in one year to the  
23 first day of June of the succeeding year.

Sec. 2. The written order provided for by the preceding section shall state  
2 the period of time during which court is to be held by each judge assigned to  
3 hold court under and by such order. When said order is made by the supreme  
4 court it shall be entered upon the docket of said court, and when made by a  
5 judge of said court in vacation the same shall be signed by the judge making  
6 the same and forthwith be filed with the clerk of said supreme court. It shall  
7 be the duty of such clerk, upon such order being made by said supreme court  
8 or being filed by such judge thereof, immediately to transmit a copy thereof to  
9 the judge or judges assigned by such order to hold court as herein provided.



- 1 Reported from Senate April 22, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act granting certain lands in the city of Evanston, and the title of certain submerged lands adjoining said city, to the city of Evanston for park and boulevard purposes.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all lands now owned, and which hereafter may be owned, by the State of Illinois, situated in the city of Evanston, south of University place, produced east in said city, and north of Greenleaf street produced east, adjacent to and fronting on the shore of Lake Michigan, and all right, title and interest of the State of Illinois, and in and to the submerged lands, covered by the waters of Lake Michigan, adjoining said city of Evanston, south of and between University place, produced east and Greenleaf street, projected east (which lie between the shore lines of said lake and the line of

10 commercial navigability of said lake) be, and the same are hereby, granted and  
11 conveyed to the city of Evanston to be held for the use and benefit of the public  
12 for park and boulevard purposes and for no other purposes whatever.

- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section sixty-one (61) of an Act entitled, "An Act to revise the law in relation to counties," approved March 31, 1874, as amended by Acts approved respectively May 20, 1879, June 14, 1887, June 26, 1895, and May 18, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixty-one (61) of an Act entitled, "An Act to revise the law in relation to counties," approved March 31, 1874, as amended by Acts approved respectively May 20, 1879, June 14, 1887, June 26, 1895, and May 18, 1905, be and the same is hereby amended to read as follows:

7 Sec. 61. The said commissioners shall severally, before they enter upon  
8 the discharge of their duties, take the oath of office prescribed by the consti-

9 tution, and they shall be known as the board of commissioners of Cook  
10 county, and as such board shall possess the powers, perform the duties and  
11 be subject to the rules, regulations and restrictions hereinafter specified, that  
12 is to say:

13 *First*—Said board of commissioners shall hold regular meetings on the first  
14 Monday of December, January, February, March, June and September of each  
15 year. It shall be the duty of the president of the board of commissioners to  
16 call special meetings of the board whenever, in his opinion, the same may be  
17 necessary; and he shall preside at all the meetings of said board, and generally  
18 perform the duties usually performed by a presiding officer: *Provided*, that  
19 in the absence of the president, or of his inability to act, a president *pro tem-*  
20 *pore* may be elected, who shall, during such absence or inability, possess all  
21 the powers and perform all the duties by law vested in and required of the  
22 president.

23 *Second*—The president of the board of commissioners shall have the same  
24 privilege of voting as any other commissioner; but he shall not have a casting  
25 vote upon any question upon which he has voted as commissioner.

26 *Third*—All resolutions or motions whereby any money shall be appropri-  
27 ated, or by virtue of which any contract shall be made, or any act done which  
28 may, directly or indirectly, or in any manner whatever, create any pecuniary  
29 liability on the part of said county, shall be submitted to said board of com-  
30 missioners in writing, or reduced to writing, before any vote shall be  
31 taken thereon; and if adopted by the board, the same shall not take effect until  
32 after the same shall have been approved in writing by the president of said  
33 board, except as hereinafter provided. It shall be the duty of the clerk of  
34 said board to deliver to the president thereof, upon his request, the original  
35 (or a copy) of each resolution or motion, so passed or adopted by said board  
36 as aforesaid, within one day after its passage or adoption; and in case the



37 president approves thereof, he shall sign the same, and it shall thereupon be  
38 in full force and effect. In case the president shall not approve any such  
39 resolution or motion, he shall, within five days after the receipt of the same  
40 as aforesaid, return it to the clerk of the said board, with his objections there-  
41 to in writing. Such veto by the president may extend to any one or more items  
42 or appropriations contained in any resolution making an appropriation, or to  
43 the entire resolution; and in case the veto only extends to a part of such reso-  
44 lution making an appropriation, the residue thereof not embraced within the  
45 veto shall take effect and be in force from the time of the receipt by said  
46 clerk of such veto of such part. Upon the return of any such resolution or  
47 motion by the president, with his objections thereto as aforesaid, the vote by  
48 which the same was passed shall be reconsidered by the board of commis-  
49 sioners as to so much thereof as may have been vetoed; and if, after such  
50 reconsideration, four-fifths of all the members elected to the board shall agree  
51 to pass the same by yeas and nays, to be entered on the journal, the same shall  
52 take effect, notwithstanding the president may have refused to approve there-  
53 of. In case the president shall fail or omit to either sign and approve or  
54 return, with his objections as aforesaid, any such motion or resolution  
55 which shall have been passed or adopted by the board within six days after  
56 it shall have been so passed or adopted, the same shall take effect without the  
57 approval of the president.

58 *Fourth*—Said board of commissioners shall have the management of the  
59 affairs of said Cook county, in the manner provided by law, and may exer-  
60 cise the same powers, perform the same duties, and shall be subject to the  
61 same rules, regulations and penalties prescribed by law for the board of sup-  
62 ervisors in other counties, except as herein otherwise provided; and shall also  
63 be subject to the rules, regulations and restrictions herein provided.

64       *Fifth*—The said board of commissioners shall have no power or authority  
 65 to delegate to any committee or other person or persons the “power to act,”  
 66 when such “power to act” shall involve the letting of any contract or the ex-  
 67 penditure of public money exceeding the sum of five hundred dollars (\$500);  
 68 and any action of said board, or of any committee thereof, or of any other per-  
 69 son or persons in violation of this section, shall be null and void. No money  
 70 shall be appropriated or ordered paid by said county commissioners beyond  
 71 the sum of five hundred dollars (\$500), unless such appropriation shall have  
 72 been authorized by a vote of at least two-thirds of the members elected to the  
 73 said county board. And no officer of Cook county, or other person, shall incur  
 74 any indebtedness on behalf of the county, unless first authorized by said board  
 75 of commissioners.

76       *Sixth*—Said board of commissioners shall, within the first quarter of each  
 77 fiscal year adopt a resolution, to be termed the annual appropriation bill, in  
 78 and by which resolution said board shall appropriate such sums of money  
 79 as may be necessary to defray all necessary expenses and liabilities of said  
 80 Cook county, to be by said county paid or incurred during and until the time  
 81 of the adoption of the next annual appropriation bill under this section:  
 82 *Provided*, that said board shall not expend any money or incur any indebted-  
 83 ness or liability on behalf of said county in excess of the percentage and  
 84 several amounts now limited by law, and based on the limit prescribed in the  
 85 constitution, when applied to the last previous assessment. Said appropriation  
 86 bill shall specify the several objects and purposes for which such appropri-  
 87 ations are made, and the amount appropriated for each object or purpose.  
 88 If the Legislature shall by law provide, or shall at any time appear to have  
 89 by law provided, for the publication of the assessment of real or personal  
 90 property, or both, to be paid for out of the county treasury, then said board  
 91 of commissioners shall in each year, while such publication is required, make  
 92 due provision for the cost thereof by sufficient appropriation in such resolu-

tion, which said appropriation shall take precedence over all other appropriations contained in such resolution, excepting the provision for principal and interest of county indebtedness, the ordinary , current salaries of county officials and employes, the maintenance of county property and institutions (including courts and juries), dieting occupants of the jails, prisons, hospitals and industrial schools, and the cost of elections required by law. Such appropriations shall take precedence of any appropriation for contingent fund or building fund; and if the tax actually collected in any such year shall be less than the total amount of the appropriations contained in said resolution, the items of appropriation following in such resolution after such appropriation for publishing assessments, in the order herein directed, shall be first abated, before the appropriation for such publication of tax assessments shall be reduced. The vote of said board of commissioners upon said appropriation bill shall be taken by yeas and nays, and the same shall be entered upon the journal. Such appropriation bill shall not take effect until after it shall have been once published in a newspaper published in Chicago, and said board shall provide for and cause said appropriation bill to be published as aforesaid. After the adoption of such appropriation bill or resolution, the said board of commissioners shall not make any further or other appropriations prior to the adoption or passage of the next succeeding annual appropriation bill, and the said board of commissioners shall have no power, either directly or indirectly, to make any contract or to do any act which shall add to the county expenditure or liabilities in any year, any thing or sum over and above the amount provided for in the annual appropriation bill for that fiscal year. No contract shall hereafter be made, or expense or liability incurred by the said board of commissioners, or any member or committee thereof, or by any person or persons, for or in its behalf, notwithstanding the expenditure may have been ordered by the said board of commissioners, unless an appropriation therefor shall have been previously made



122 by said board in manner aforesaid: *Provided, however,* that nothing herein  
 123 contained shall prevent the board of commissioners, by a concurring vote of  
 124 four-fifths of all the commissioners (said votes to be taken by yeas and nays  
 125 and entered upon the journal), from making any expenditure or incurring  
 126 any liability rendered necessary, by any unforeseen casualty by fire, flood  
 127 or otherwise, happening after the annual appropriation bill shall have been  
 128 passed or adopted. Nor shall anything herein contained be construed to  
 129 deprive the board of power to provide for and cause to be paid from the  
 130 county funds any charge upon said county imposed by law, without the action  
 131 of the board of commissioners, including fixed salaries of officers required  
 132 by law to be paid from the county treasury, and to pay jurors' fees  
 133 and other charges fixed by law.

134 *Seventh*—The board of commissioners shall establish and provide for  
 135 the appointment of a committee on finance and a committee on public ser-  
 136 vice. There shall be a superintendent of public service, to be appointed by the  
 137 president, by and with the consent of the board of commissioners, who shall hold  
 138 his office for one year and until his successor is appointed. He may be suspend-  
 139 ed or removed by the president. He shall give a sufficient bond for the perform-  
 140 ance of his duties and be subject to the oversight and supervision of the commit-  
 141 tee on public service. It shall be the duty of the superintendent, under author-  
 142 ity of the board of commissioners, to purchase, receive and distribute all sup-  
 143 plies necessary for the use and service of Cook county and its various institu-  
 144 tions, of whatever nature, *including all supplies necessary for dieting the pris-*  
 145 *oners confined in the jail of said county,* and, on and after the first Monday in  
 146 December, 1910, to keep accurate accounts of and vouchers for the same, which  
 147 shall be open to the inspection of the president and the committee on public ser-  
 148 vice and to the public. He shall also perform all other duties relative to the  
 149 public service which may be assigned to him by the board of commissioners.



150 who shall make and maintain regulations for the conduct and government  
151 of the department of public service not inconsistent with this Act.

152 *Eighth*—All contracts for supplies, material and work for the county of  
153 Cook shall be let to the lowest responsible bidder, after due advertisement;  
154 but if, in case of any emergency, it is necessary to purchase supplies not ex-  
155 ceeding in amount \$500, such purchase may be made by the superintendent  
156 in the open market, on authority given to him by the board of commission-  
157 ers or the committee on public service. All contracts for supplies, material  
158 or work for Cook county shall be approved by the board of commissioners  
159 and signed by the president of the board, the superintendent of public ser-  
160 vice and the comptroller. Supplies shall be issued only on the requisition of  
161 the responsible officers of the county institutions now or hereafter established  
162 by law, approved by the committee on public service.

163 *Ninth*—All officers and employes of the county of Cook, in the classifica-  
164 tion hereinafter provided for, except those whose election or appointment is  
165 otherwise provided for by law, and except those enumerated in paragraph  
166 twentieth of this section, shall be appointed by the president of the board,  
167 according to the provisions of this section. The salaries or rate of compen-  
168 sation of all officers and employes of said county, when not otherwise provided  
169 by law, shall be fixed by the board of commissioners and shall be fixed prior  
170 to the adoption of the annual appropriation, and shall not be changed during  
171 the year for which the appropriation is made. The board of commissioners  
172 shall also determine whether any or what amount of bond any officer or em-  
173 ploye shall give.

174 *Tenth*—[CIVIL SERVICE COMMISSION.] The president of the county board  
175 shall, at the first regular meeting of the first day after July, A. D. 1895,  
176 appoint three persons, who shall constitute and be known as the civil service  
177 commission of said county; one for a term ending on the first Monday of  
178 December, A. D. 1895; one for a term ending on the first Monday of Decem-

ber, A. D. 1896; and one ending on the first Monday of December, A. D. 1897, and until their respective successors are appointed and qualified. And at the respective dates above named, or soon thereafter, the president shall in like manner appoint one person as the successor, or a commission, whose term shall then expire, to serve as a commissioner for three years, and until his successor is in like manner appointed and qualified. Two commissioners shall constitute a quorum. All appointments to such commission, both original and to fill vacancies, shall be so made that not more than two members shall at the time of appointment be members of the same political party. Said commissioner shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this State.

*Eleventh*—REMOVAL OF COMMISSIONERS—VACANCY.] The president may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The president shall, at the next regular meeting, report in writing any such removal to the board, with his reasons therefor. Any vacancy in the office of civil service commissioner shall be filled by appointment by the president.

*Twelfth*—CLASSIFICATION.] Said commissioners shall classify all the offices and places of employment in said county with reference to the examinations hereinafter provided for, except those offices and places mentioned in the twentieth paragraph of this section. The offices and places so classified by the commission shall constitute the classified civil service of said county, and no appointments to any of such offices or places or removals therefrom shall be made, except under and according to the rules hereinafter mentioned.

*Thirteenth*—RULES.] Said commission shall make rules to carry out the purposes of this Act, and for examinations, appointments and removals in ac-

cordance with its provisions, and the commission may, from time to time, make changes in the original rules.

*Fourteenth*—PUBLICATION OF RULES—TIME OF TAKING EFFECT.] All rules made as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers published in such county; and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation.

*Fifteenth*—EXAMINATIONS.] All applicants for offices or places in said classified service, except those mentioned in the twentieth paragraph of this section, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinion or affiliations. The commission shall control all examinations and may, when an examination is to take place, designate a suitable number of persons, either in or not in the official service of said county, to be examiners; and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and make return or report thereof to said commission; and the commission may at any time substitute any other person, whether or not in such service, in the place of any one selected; and the commission may themselves, at any time, act as such



235 examiners, and without appointing examiners. The examiners at any ex-  
 236 amination shall not all be members of the same political party.

237 *Sixteenth*—NOTICE OF EXAMINATION.] Notice of the time and place and  
 238 general scope of every examination shall be given by the commission by pub-  
 239 lication for two weeks preceding such examination, in a daily newspaper of  
 240 general circulation published in said county, and such notice shall also be  
 241 posted by said commission in a conspicuous place in their office for two weeks  
 242 before such examination. Such further notice of examination may be given  
 243 as the commission shall prescribe.

244 *Seventeenth*—REGISTERS.] From the returns or reports of the examiners,  
 245 or from the examinations made by the commission, the commission shall pre-  
 246 pare a register for each grade or class of positions in the classified  
 247 service of said county, of the person whose general average standing upon  
 248 examination for such grade or class is not less than the minimum fixed by  
 249 the rules of such commission, and who are otherwise eligible; and such per-  
 250 sons shall take rank upon the registers as candidates in the order of their  
 251 relative excellence, as determined by examination, without reference to prior-  
 252 ity of time of examination. Said commission may strike off names of can-  
 253 didates from the register after they have remained thereon for more than  
 254 two years.

255 *Eighteenth*—PROMOTIONS.] The commission shall, by its rules, provide  
 256 for promotion in such classified service, on the basis of ascertained merit,  
 257 examination and seniority in service, and shall provide, in all cases where  
 258 it is practicable, that vacancies shall be filled by promotion. All examina-  
 259 tions for promotion shall be competitive among such members of the next  
 260 lower rank as desire to submit themselves to such examination; and it shall  
 261 be the duty of the commission to submit to the appointing power the names  
 262 of not more than three applicants for each promotion having the highest  
 263 rating. The method of examination and the rules governing the same, and



the method of certifying shall be the same as provided for applicants for original appointment.

*Nineteenth*—APPOINTMENTS TO CLASSIFIED SERVICE.] The head of the institution, department or office in which a position classified under this Act is to be filled, shall notify the president of the board and said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade said position belongs to, except that in case of laborers, where a choice by competition is impracticable, said commissioners may provide by its rules that the selection shall be made by lot from among those candidates proved fit by examination. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. Said appointing officer, meaning thereby the president of said board, shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. At or before the expiration of the period of probation, the officer having the power of appointment may, with the consent of said commission, discharge such person so appointed on probation, upon assigning in writing to said commission his reasons therefor.

*Twentieth*—EXEMPTIONS.] The president of the board of commissioners of Cook county shall, with the advice and consent of the board, appoint the warden of the county hospital, the superintendent of the insane asylum and poor house, the county agent, the county physician, the custodians of court house and criminal court building, the county attorney, the county architect, the committee clerk of the county board, and the said officers and the superintendent of public service shall not be included in the said classified service.

293       *Twenty-first*—REMOVALS AND REDUCTIONS.] Removals from the classified  
 294 service, or reduction in grade of compensation, or both, may be made in  
 295 any department of the service by the head of such department, for any cause  
 296 which will promote the efficiency of the service: but only on written speci-  
 297 fications by the officer making the removal or reduction; and the person  
 298 sought to be removed or reduced shall have notice and shall be served with  
 299 a copy of the specifications and be allowed reasonable time for answering  
 300 the same in writing; and a copy of the notice, specifications, answer and of  
 301 the order of removal or reduction shall be filed with the civil service commission.  
 302 The said commission shall investigate any removal or reduction which it has  
 303 reason to believe has not been made in accordance with the provisions of this  
 304 section; and it may in any case investigate any removal or reduction, and  
 305 then in accordance with its findings, approve or disapprove the same. The  
 306 finding and decision of the said commission shall in every case be final, and shall  
 307 be certified to the appointing officer, and shall be forthwith enforced by such  
 308 officer. A copy of said papers in each case shall be made a part of the record  
 309 of the division of the service in which the removal or reduction is made.  
 310 Nothing in this Act shall limit the power of any officer to suspend a subordi-  
 311 nate, without pay, for cause assigned in writing, for a reasonable period, not  
 312 exceeding thirty days. In the course of an investigation of charges, each  
 313 member of the civil service commission shall have the power to administer  
 314 oaths, and shall have the power to secure by its subpoena, both the attendance  
 315 and testimony of witnesses, and the production of books and papers relevant  
 316 to such investigation.

317       *Twenty-second*—REPORT TO COMMISSION.] Immediate notice in writing  
 318 shall be given by the appointing power to said commission of all appoint-  
 319 ments, permanent or temporary, made in such classified civil service, and of  
 320 all transfers, promotions, resignations or vacancies from any cause in such  
 321 service and of the date thereof; and a record of the same shall be kept by

322 said commission. When any office or place of employment is created or  
 323 abolished, or the compensation attached thereto altered, the officer or board  
 324 making such change shall immediately report it in writing to said commis-  
 325 sion.

326 *Twenty-third—INVESTIGATIONS.]* The commission shall investigate the en-  
 327 forcement of this Act and its rules, and the action of examiners herein pro-  
 328 vided for and the conduct and action of the appointees in the classified civil  
 329 service of said county. In the course of such investigation each commissioner  
 330 shall have power to administer oaths and said commission shall have power  
 331 to secure by its subpoena both the attendance and testimony of witnesses and  
 332 the production of books and papers relevant to such investigations.

333 *Twenty-fourth—REPORTS OF COMMISSION.]* Said commission shall on or  
 334 before the first Monday of September of each year make to the president for  
 335 transmission to the board of commissioners a report showing its own action,  
 336 the rules in force, the practical effects thereof, and any suggestions it  
 337 may approve for the more effectual accomplishment of the purposes of this  
 338 Act. The president may require a report from said commission at any  
 339 time.

340 *Twenty-fifth—*The civil service commission shall select one of their own  
 341 number to act as chairman and one as secretary. The secretary shall keep  
 342 the minutes of its proceedings, preserve all reports made to it, keep a record  
 343 of all examinations held under its direction and perform such other duties as  
 344 the commission shall require.

345 *Twenty-sixth—OFFICERS TO AID—ROOMS.]* All officers of said county shall  
 346 aid said commission in all proper ways in carrying out the provisions of this  
 347 Act, and at any place where examinations are to be held shall allow the reason-  
 348 able use of public buildings for holding such examinations. The board of  
 349 county commissioners shall cause suitable rooms to be provided for said com-  
 350 mission at the expense of said county.



351       *Twenty-seventh*—SALARIES AND EXPENSES.] Each of said civil service com-  
 352 mission shall receive a salary of fifteen hundred dollars a year, and said com-  
 353 mission may also incur expenses not exceeding five hundred dollars a year  
 354 for printing, stationery and other incidental matters.

355       *Twenty-eighth*—APPROPRIATIONS.] A sufficient sum of money shall be ap-  
 356 propriated each year by said board to carry out the provisions of this Act  
 357 in said county. If the board shall have already made the annual appropria-  
 358 tion for county purposes for the current fiscal year, the board is authorized  
 359 and required to pay the salaries and expenses of the civil service commission  
 360 for such fiscal year out of the moneys appropriated for contingent purposes  
 361 by said board.

362       *Twenty-ninth*—FRAUDS PROHIBITED.] No person or officer shall willfully  
 363 or corruptly, by himself or co-operation with any one or more other persons,  
 364 defeat, deceive or obstruct any person in respect to his or her right of examin-  
 365 ation, or corruptly or falsely mark, grade, estimate or report upon the ex-  
 366 amination or proper standing of any person examined hereunder, or aid in so  
 367 doing, or willfully or corruptly make any false representation concerning the  
 368 same or concerning the person examined, or willfully or corruptly furnish  
 369 to any person any special or secret information for the purpose of improving  
 370 or injuring the prospects or chances of any person so examined or to be ex-  
 371 amined being employed or promoted.

372       *Thirtieth*—NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.] No  
 373 officer or employe in the classified civil service of said county or named in the  
 374 twentieth paragraph of this section, shall solicit, orally or by letter, or re-  
 375 ceive or pay, or be in (any) manner concerned in soliciting, receiving or pay-  
 376 ing any assessments, subscriptions or contributions for any party or political  
 377 purposes whatever.

378       *Thirty-first*—NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS  
 379 OR EMPLOYEES.] No person shall solicit orally or by letter, or be in any man-



ner concerned in soliciting any assessment, contribution or payment, for any party or for any political purpose whatever, from any officer or employe in the classified civil service of said county or named in the twentieth paragraph of this section.

*Thirty-second*—ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No person shall in any room or building occupied for the discharge of official duties by any officer or employe in the classified civil service of said county, or named in the twentieth paragraph of this section, solicit, orally or by written communication, deliver therein or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employe in the classified civil service of said county or named in the twentieth paragraph of this section, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same, for the purpose of therein soliciting or delivering written solicitations for, or receiving or giving notice of any political assessments.

*Thirty-third*—PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIBITED.] No officer or employe in the classified civil service of said county or named in the twentieth paragraph of this section shall, directly or indirectly, give or hand over to any officer or employe or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing on account of or to be applied to the promotion of any party or political object whatever.

*Thirty-fourth*—ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No officer or employe in said classified service or named in the twentieth paragraph of this section shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so, for giving or withholding or neglecting to make any

408 contribution of money or other valuable thing for any party or political pur  
409 pose, or for refusal or neglect to render any party or political service.

410 *Thirty-fifth*—PAYMENT FOR PLACE PROHIBITED.] No applicant for appoint-  
411 ment in said classified civil service, or to a position named in the twentieth  
412 paragraph of this section, either directly or indirectly, shall pay, or promise  
413 to pay any money or other valuable thing to any person whatever for or on  
414 account of his appointment, or proposed appointment, and no officer or em-  
415 ploye in said civil service or named in said paragraph shall pay or promise  
416 to pay, either directly or indirectly, any person any money or other valuable  
417 thing whatever for or on account of his promotion.

418 *Thirty-sixth*—RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PRO-  
419 HIBITED.] No applicant for appointment or promotion in classified civil ser-  
420 vice shall ask for or receive a recommendation for assistance from any officer  
421 or employe in said service, or of any person upon the consideration of any  
422 political service to be rendered to or for such person or for the promotion of  
423 such person to any office or appointment.

424 *Thirty-seventh*—AUDITING OFFICER.] No accounting or auditing officer  
425 shall allow the claim of any public officer for services of any deputy or other  
426 person employed in the public service in violation of the provisions of this  
427 Act.

428 *Thirty-eighth*—APPOINTMENTS AND REMOVAL TO BE CERTIFIED TO THE COMP-  
429 TROLLER.] The commission shall certify to the county clerk or other auditing  
430 officers, all appointments to offices and places in the classified civil service,  
431 and all vacancies occurring therein, whether by dismissal, resignation or death,  
432 and all findings made or approved by the commission under the provisions of  
433 the twenty-first paragraph of this section, that a person shall be discharged  
434 from the classified service.

435 *Thirty-ninth*—COMPTROLLER TO PAY SALARIES, ONLY AFTER CERTIFICATION.]  
436 No county clerk, comptroller or other auditing officer of said county shall ap-

437 prove the payment of, or be in any manner concerned in paying any salary  
 438 or wages to any person for services as an officer or employe of said county  
 439 unless such person is occupying an office or place of employment according  
 440 to the provisions of law and is entitled to payment therefor.

441 *Fortieth*—COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND  
 442 PAPERS.] Any person who shall be served with a subpoena to appear and tes-  
 443 tify, or to produce books and papers, issued by the commission or by any  
 444 commissioners, or by any board or person acting under the orders of the com-  
 445 mission in the course of an investigation conducted either under the pro-  
 446 visions of the twenty-first or twenty-third paragraph of this section, and who  
 447 shall refuse or neglect to appear or testify, or to produce books and papers  
 448 relevant to said investigation as commanded in such subpoena, shall be guilty  
 449 of a misdemeanor, and shall, on conviction, be punished as provided in the  
 450 forty-first paragraph of this section. The fees of witnesses for attendance and  
 451 travel shall be the same as the fees of witnesses before the circuit courts, and  
 452 shall be paid from the appropriation for the expenses of the commission.  
 453 And any circuit court or any judge thereof, either in term time or vacation,  
 454 upon application of any such commissioner or officer or board may, in his  
 455 discretion, compel the attendance of witnesses, the production of books and  
 456 papers, and giving of testimony before the commission, or before any such  
 457 commissioner, investigating board or officer by attachment for contempt or  
 458 otherwise in the same manner as the production of evidence may be compelled  
 459 before said court. Every person who, having taken an oath or made affirma-  
 460 tion before a commissioner or officer appointed by the commission authorized  
 461 to administer oaths, shall swear or affirm willfully, corruptly and falsely, shall  
 462 be guilty of perjury, and upon conviction shall be punished accordingly.

463 *Forty-first*—PENALTIES.] Any person who shall willfully, or through culp-  
 464 able negligence violate any of the provisions of this Act or any rule promul-

465 gated in accordance with the provisions thereof shall be guilty of a mis-  
466 demeanor and shall, on conviction thereof, be punished by a fine of not less  
467 than fifty dollars and not exceeding one thousand dollars, or by imprison-  
468 ment in the county jail for a term not exceeding six months, or by both such  
469 fine and imprisonment in the discretion of the court.

470 *Forty-second*—PENALTIES, DISQUALIFICATION TO HOLD OFFICE.] If any per-  
471 son shall be convicted under the next preceding section, any public office or  
472 place of public employment, which such person may hold shall, by force of  
473 such conviction, be rendered vacant, and such person shall be incapable of  
474 holding any office or place of public employment for the period of five years  
475 from the date of such conviction.

476 *Forty-third*—WHAT OFFICERS TO PROSECUTE.] Prosecutions for violations  
477 of this Act may be instituted either by the Attorney General, the State's  
478 Attorney for the county in which the offense is alleged to have been commit-  
479 ted, or by the commission acting through special counsel. Such suits shall be  
480 conducted and controlled by the prosecuting officers who institute them, un-  
481 less they request the aid of other prosecuting officers.



- 1 Reported from Senate, April 29, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 120 of "An Act in relation to practice and pro-

cedure in courts of record," approved June 3, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

in the General Assembly: That section 120 of "An Act in relation to practice

and procedure in courts of record," approved June 3, 1907, in force July 1,

1907, be amended to read as follows:

Sec. 120. If any final determination of any cause as specified in the pre-

ceding sections shall be made by the Appellate Court, as the result, wholly or

in part, of the finding of the facts concerning the matter in controversy differ-

ent from the finding of the court from which such cause was brought by ap-

peal or writ of error, it shall be the duty of such Appellate Court to recite

in its final order, judgment or decree the facts as found; and the judgment

11 of the Appellate Court shall be final and conclusive as to all matters of fact  
12 in controversy in such cause: *Provided, however,* that this section shall not  
13 apply to cases at law, tried by a jury in the court below, but such cases  
14 shall be re-examined in said Appellate Court as to errors of law only.

1 Reported from Senate May 25, 1909.

2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to create a traveling tuberculosis exhibit commission, to define its powers and duties, and to make an appropriation therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* COMMISSION CREATED.] That a commission of three  
3 members be and is hereby created, to be known as the Traveling Tuberculosis  
4 Exhibit Commission, to be constituted and appointed as hereinafter provided.

Sec. 2. HOW APPOINTED—VACANCIES — TERMS OF OFFICE — REMOVALS.] Upon  
2 the passage and approval of this Act, the Governor shall nominate, and by  
3 and with the advice and consent of the Senate, appoint, to be members of  
4 the Traveling Tuberculosis Exhibit Commission, three persons, one a reputable  
5 physician, and all having expert knowledge that tuberculosis is a communicable,  
6 preventable and curable disease, and that one means of its eradication is the  
7 education of the public. The commissioners shall be appointed to serve until

8 July 1, 1911. All vacancies that may occur in the Traveling Tuberculosis Ex-  
 9 hibit Commission, by resignation or otherwise, shall be filled by the Governor  
 10 in the same manner as original appointments are made. Any commissioner  
 11 may be removed by the Governor whenever, in his opinion, the interests of  
 12 the State require such removal. In case of any removal the Governor shall  
 13 communicate to the General Assembly the reason, or reasons, for such re-  
 14 moval.

Sec. 3. MEETING---RECORD---QUORUM.] The commission shall meet within  
 2 thirty days after appointment and elect a chairman and a secretary, and shall  
 3 cause a record to be made and kept of all its proceedings. The commission  
 4 may appoint lecturers and such other employes as are necessary. Two mem-  
 5 bers shall constitute a quorum for the transaction of business.

Sec. 4. POWERS AND DUTIES OF COMMISSION.] It shall be the duty of the  
 2 Traveling Tuberculosis Exhibit Commission to secure, maintain, display and  
 3 move from place to place, within the State of Illinois, traveling tuberculosis  
 4 exhibits, one for service in the county of Cook and a second for service in  
 5 counties outside of the county of Cook; the said exhibits to be made effective  
 6 by means of lectures, pamphlets, drawings and other methods, in educating the  
 7 public regarding the nature of tuberculosis; how it is acquired; how it is  
 8 spread, how arrested, how cured, how prevented, and any other relevant mat-  
 9 ter. The said commission shall make a detailed report of its service to the Gov-  
 10 ernor annually, on or before the first day of November, for the preceding  
 11 fiscal year. In the report made in 1910 the commission shall review its en-  
 12 tire service, and state whether in its judgment the object for which it was  
 13 created will have been served by June 30, 1911; and, if the said commission  
 14 recommends an extension of its service beyond June 30, 1911, it shall state  
 15 specifically in its report the reasons for such recommendation. The commis-



16 sion shall have the power to make such rules and regulations regarding  
17 its meetings and the conduct of its exhibits as it deems necessary.

Sec. 5. PRINTING.] The Secretary of State is hereby authorized and  
2 directed to provide all printed matter necessary for the Traveling Tubercu-  
3 losis Exhibit Commission.

Sec. 6. EXPENSES—SECRETARY AND OTHER EMPLOYES TO RECEIVE COMPENSA-  
2 TION.] The members of the commission shall receive only their actual personal  
3 and traveling expenses incurred in the service provided for in this Act, to be  
4 paid upon the presentation of itemized statements of such accounts, verified  
5 by affidavits and approved by the Governor: *Provided, however,* that the  
6 secretary and other necessary employes may receive fair compensation for the  
7 time actually spent in the work of the commission, such compensation to be  
8 determined by the commission and approved by the Governor.

Sec. 7. APPROPRIATES.] The sum of five thousand (\$5,000) dollars  
2 is hereby appropriated for postage, clerical and expert service, incidental and  
3 traveling expenses of the commission and of its employes, and the expenses in-  
4 cidental to procuring, transporting, installing and maintaining exhibits; and  
5 the Auditor of Public Accounts is hereby authorized to draw his warrant for  
6 the foregoing amount, or any part thereof, on the order of the Traveling  
7 Tuberculosis Commission, signed by its chairman, attested by its secretary, and  
8 approved by the Governor.



2   Reported from Senate April 15, 1909.

2   Read by title, ordered printed and to a first reading.

## A BILL

For an Act to amend section 166½ of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by an Act approved June 3, 1889, in force July 1, 1889.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 166½ of an Act entitled "An Act to  
3 revise the law in relation to criminal jurisprudence," approved March 27,  
4 1874, in force July 1, 1874, as amended by an Act approved June 3, 1889, in  
5 force July 1, 1889, be and the same is hereby amended to read as follows:

6      Sec. 166½. Whoever wilfully and without authority forcibly takes or  
7 carries or entices away any infant under the age of fourteen years without the  
8 consent of the parent, guardian or lawful custodian of such child, with intent  
9 to conceal or imprison such infant, or whoever wilfully and without authority  
10 conceals or imprisons an infant under the age of fourteen years without the

11 consent of the parent, guardian or lawful custodian of such infant, shall, upon  
12 conviction, suffer the punishment of death, or be imprisoned in the penitentiary  
13 for his or her natural life, or for any number of years. If the accused is found  
14 guilty by a jury, they shall fix the punishment by their verdict; upon a plea  
15 of guilty the punishment shall be fixed by the court.



- 1    Reported from Senate May 20, 1909.
- 2    Read a first time, ordered printed and referred to Committee on Appropriations.

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A    BILL

For an Act to make appropriations for ordinary and other expenses of the Illinois

State Reformatory at Pontiac.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the following amounts, or so much thereof as

3 may be necessary, be, and the same are hereby appropriated to the Illinois

4 State Reformatory, at Pontiac, for the purposes hereinafter named and no

5 other:

6    For ordinary expenses of the reformatory and expenses of the board

7        of managers for the year ending June 30, 1910..... \$200,000

8    For ordinary expenses of the reformatory and expenses of the board

9        of managers for the year ending June 30, 1911.....    200,000

10   For maintaining parole system, \$10,000 per annum.....    20,000

|    |   |        |
|----|---|--------|
| 11 | For maintenance of electric lights, telephone, telegraph and fire alarm |        |
| 12 | systems, \$1,000 per annum.....   | 2,000  |
| 13 | For material for trade school instruction, \$2,500 per annum.....       | 5,000  |
| 14 | For purchase and installation of water, instruments and dressing ster-  |        |
| 15 | ilizer, fracture beds and other hospital beds .....                     | 1,500  |
| 16 | For school books for inmates, \$600 per annum .....                     | 1,200  |
| 17 | For school seats, desks, charts, reference books, etc.....              | 500    |
| 18 | For extension and equipment of library, \$500 per annum.....            | 1,000  |
| 19 | For repairs of farm buildings, purchase of cows, horses and material    |        |
| 20 | for building one hog house for breeding purposes.....                   | 2,500  |
| 21 | For lectures, entertainments, concerts, etc., \$600 per annum.....      | 1,200  |
| 22 | For maintenance and extension of Manual Training School, \$5,000 per    |        |
| 23 | annum .....   | 10,000 |
| 24 | For partial construction of a wall around the institution to take the   |        |
| 25 | place of the old board fence now in use, the sum of.....                | 10,000 |
| 26 | For remodeling the administration building and placing fire escapes,    |        |
| 27 | an additional sum of.....   | 6,000  |
| 28 | For maintenance of Y. M. C. A., \$200 per annum.....                    | 400    |

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed

2 to draw his warrants on the State Treasurer for the amounts herein appropri-

3 ated, quarterly in advance, in so far as it relates to the appropriations for

4 ordinary expenses, upon the order of the board of managers of said reforma-

5 tory, signed by the president and attested by the secretary, with the seal of

6 the institution and the approval of the Governor thereto attached: *Provided,*

7 that no part of such sums shall be due and payable to said institution until a

8 detailed statement of receipts from all sources, together with a detailed state-

9 ment of the expenditures, accompanied by the original vouchers, is filed with

10 the Auditor of Public Accounts for all previous expenditures incurred and such

11 detailed statement of receipts and expenditures shall show the balance on hand  
12 at the beginning of the period for which such statement is made, the total  
13 amounts received and expended, and the balance on hand at the close of the  
14 quarter for which the same is made; and the Auditor of Public Accounts is here-  
15 by authorized and directed to draw his warrants on the State Treasurer for  
16 the sum hereby appropriated for special purposes, upon the order of the board  
17 of managers, when accompanied by itemized bills of particulars, signed by the  
18 president and attested by the secretary, with the seal of the institution and  
19 approval of the Governor thereto attached, certifying that the expenditures  
20 mentioned in said bills of particulars has been made and that the amount is due  
21 and payable.





- 1 Reported from Senate, April 2, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to create a board of trustees of the Department of Electricity pension fund; to provide and distribute such fund for the pensioning of disabled members of said department and the widows and minor children of deceased members of said department; to authorize the retirement from service and the pensioning of members of the Department of Electricity; and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid Department of Electricity.

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SECTION 1. *Be it enacted by the People of the State of Illinois,*  
2 *represented in the General Assembly:* That in all cities, villages or incor-  
3 porated towns, whose population exceeds fifty thousand, having a paid Depart-  
4 ment of Electricity, fifteen (15) per centum of all revenues collected or received  
5 by such cities, villages or incorporated towns as earnings of said Department

6 of Electricity, shall be set apart by the treasurer of such cities, villages or in-  
7 corporated towns, to whom the same shall be paid, as a fund for the pensioning  
8 of disabled and superannuated members of the departments of electricity, and  
9 of the widows, orphans and dependent parents of deceased members of the de-  
10 partments of electricity of such cities, villages or incorporated towns. The  
11 treasurers of such cities, villages or incorporated towns shall be *ex-officio* treas-  
12 urers of such fund.

Sec. 2. The treasurer, clerk, corporation counsel, city electrician or other  
2 chief officer of the department of electricity, and the comptroller of such city,  
3 village or incorporated town, and two other persons, who shall be chosen from  
4 the active members of the department of electricity of such city, village or in-  
5 corporated town shall constitute and be a board by the name of the "Board of  
6 Trustees of the Department of Electricity Pension Fund." The members of this  
7 board to be chosen from the active members of the department of electricity  
8 shall be elected by ballot at an annual election, at which election all active  
9 members of the department of electricity, paid on a monthly basis, of said city,  
10 village or incorporated town shall be entitled to vote: *Provided*, that in any  
11 city, village or incorporated town where there is no comptroller appointed or  
12 elected, that the mayor of such city, village or incorporated town shall be a  
13 member of such board.

14 The election in this section provided for shall be held annually on the third  
15 Monday in April, under the Australian ballot system, at such place or places in  
16 such city, village or incorporated town, and under such regulations as shall be  
17 prescribed by the members of this board who are members of such board by  
18 reason of their official positions: *Provided, however*, that no person entitled to  
19 vote under the provisions of this section shall cast more than one vote at any

20 such election. In the event of the death, resignation or inability to act of any  
21 member of said board, elected under the provisions of this section, the successor  
22 to such member shall be elected at a special election, which shall be called by said  
23 board, and shall be conducted in the same manner as are the annual elections  
24 hereunder. The said board shall select from their number a president and sec-  
25 retary: *Provided*, that in villages and incorporated towns the "Board of Trus-  
26 tees of the Department of Electricity Pension Fund" shall consist of the presi-  
27 dent of the board of trustees, the town or village clerk, the town or village at-  
28 torney, the chief officer of the department of electricity and two other persons  
29 who shall be chosen annually from the active members of the department of  
30 electricity, paid on a monthly basis, of said village or incorporated town, to be  
31 elected in the manner provided for in this section for election of such members  
32 in cities.

Sec. 3. The said board shall have exclusive control and management of  
2 the fund mentioned in the first section of this act, and of all moneys donated,  
3 paid or assessed for the relief or pensioning of disabled, superannuated and re-  
4 tired members of the departments of electricity, their widows, minor children  
5 and dependent parents, and shall assess each member of the department of  
6 electricity who is paid on a monthly basis not to exceed two (2) per centum of  
7 the salary of such member, to be deducted and withheld from the monthly pay  
8 of each member so assessed, and shall assess each member of the department of  
9 electricity, who is paid on a monthly basis at the time of this act going into ef-  
10 fect, one per centum of his salary during the six (6) previous years, or any por-  
11 tion thereof, of his employment in the department of electricity or the electri-  
12 cal branches of any of the departments of any such city, village or incorporated  
13 town: *Provided*, that said one (1) per centum of previous salary shall, in no

14 case, exceed the sum of one (1) per centum on twelve hundred dollars (\$1200.00)  
 15 per annum, the same to be collected according to the discretion of said Board of  
 16 Trustees of the Department of Electricity Pension Fund; all such deductions  
 17 and collections to be placed by the treasurer of such city, village or incorporat-  
 18 ed town, who shall be *ex-officio* treasurer of such board, to the credit of such  
 19 fund, subject to the orders of such board. The said board shall make all need-  
 20 ful rules and regulations for its government in the discharge of its duties, and  
 21 shall hear and decide all applications for relief or pensions under this act, and  
 22 its decisions on such applications shall be final and conclusive, and not subject  
 23 to review or reversal except by said board. The board shall cause to be kept a  
 24 record of all its meetings, and such record shall be open for the inspection of  
 25 the public.

Sec. 4. All rewards in moneys, fees, gifts and emoluments that may be paid  
 2 or given for or on account of extraordinary services by said department of  
 3 electricity or any member thereof (except when allowed to be retained by said  
 4 member, or given to endow a medal or other permanent or competitive award)  
 5 shall be paid into said pension fund. The said board of trustees may take the  
 6 gift, grant, devise or bequest, any money, real estate, personal property, right  
 7 of property or other valuable thing, the annual income of which shall not exceed  
 8 fifty thousand dollars (\$50,000.00) in the whole; and such money, real estate, per-  
 9 sonal property, right of property or other valuable thing so obtained, shall in  
 10 like manner be paid into said pension fund and treated as a part thereof, for the  
 11 uses of such pension fund: *Provided*, That when the sum of two hundred thou-  
 12 sand dollars (\$200,000.00) shall be received and accumulated, it shall be, to-  
 13 gether with all other sums in excess of two hundred thousand dollars (\$200,-



14 000.00) when so received and accumulated, retained as a permanent fund, and  
15 thereupon and thereafter the annual income of such permanent fund may be  
16 made available for the uses and purposes of such pension fund.

Sec. 5. Said board of trustees shall have power to draw such pension fund  
2 from the treasury of such city, village or incorporated town, and may invest  
3 such fund or any part thereof, in the name of the "Board of Trustees of the De-  
4 partment of Electricity Pension Fund," in interest bearing bonds of the United  
5 States, of the State of Illinois, of any county in the State of Illinois, or of any  
6 township or municipal corporation in the State of Illinois. And all such securi-  
7 ties shall be deposited with the treasurer of said city, village or incorporated  
8 town, as *ex-officio* treasurer of said board, and shall be subject to the order of  
9 said board.

Sec. 6. The interest received from any such investment of said fund, after  
2 said fund shall have reached the sum of two hundred thousand dollars (\$200,-  
3 000.00) shall be applicable to the payment of pensions under this Act. And  
4 when such interest shall become so applicable, it shall be in the power of the  
5 council of said city, village or incorporated town, to diminish such annual rate of  
6 fifteen (15) per cent of all revenues collected or received by such cities, villages  
7 or incorporated towns as earnings of said department of electricity, so that said  
8 income from interest and from earnings of said department of electricity shall  
9 meet the requirements of the pension lists, as provided by this Act.

Sec. 7. If any member of the department of electricity of any such city,  
2 village or incorporated town, shall, while in the performance of his duty, become  
3 and be found, upon an examination by a medical officer ordered by said board

4 of trustees, to be physically or mentally permanently disabled, by reason of ser-  
 5 vice in such department of electricity, so as to render necessary his discharge  
 6 from service in said department of electricity, said board of trustees shall retire  
 7 such disabled member from the service in such department of electricity: *Pro-*  
 8 *vided*, No such retirement on account of disability shall occur unless said mem-  
 9 ber has contracted said disability while in the service of such department of  
 10 electricity. Upon such retirement, the said board of trustees shall order the pay-  
 11 ment of such disabled member of such department of electricity, monthly, from  
 12 said pension fund, a sum equal to one-half ( $\frac{1}{2}$ ) the monthly compensation allowed  
 13 to such member as salary at the date of his retirement: *Provided*, That such  
 14 sum shall in no case, however, exceed the amount of sixty dollars (\$60.00) as  
 15 the total monthly compensation allowed to any member thus disabled.

Sec. 8. If any member of such department of electricity shall, while in the  
 2 performance of his duty, be killed, or die as the result of an injury received  
 3 in the line of his duty, or of any disease contracted by reason of his occupation,  
 4 or if any member of such department of electricity shall, while in said service,  
 5 die from any cause while in said service, or during retirement, or after retire-  
 6 ment, after twenty (20) years' service, as hereinafter provided, and shall leave  
 7 a widow, minor child or minor children under sixteen years of age, or depend-  
 8 ent father or mother, surviving, said board of trustees shall direct the payment  
 9 from said pension fund, of the following sums monthly, to-wit: To such widow,  
 10 while unmarried, thirty-five dollars; to the guardian of such child or children,  
 11 eight dollars for each of said children, until it or they reach the age of sixteen  
 12 years; to the dependent father, or dependent mother, of such member twenty  
 13 dollars each: *Provided, however*, where the wife of such deceased member shall  
 14 have died, either prior or subsequent to the death of such member, leaving a

15 minor child or children, the board of trustees shall pay to the duly appointed  
 16 guardian of such minor child or children, for their support and maintenance, for  
 17 each of said children until it or they shall have reached the age of sixteen years,  
 18 the sum of sixteen dollars per month: *And, provided, also,* that there shall not be  
 19 paid to the family or dependents of any such deceased member, a total pension  
 20 exceeding one-half ( $\frac{1}{2}$ ) the amount of the monthly salary of such deceased mem-  
 21 ber at the time of his decease; or, if a retired member, a sum not exceeding one-  
 22 half ( $\frac{1}{2}$ ) the amount of the monthly salary of such retired member at the date of  
 23 his retirement; and in no case to exceed the sum of sixty dollars (\$60.00) per  
 24 month. If at any time there shall not be sufficient money in such pension fund  
 25 to pay each person, entitled to the full benefits thereof, the full amount per  
 26 month, as hereinbefore provided, then, and in that event, an equal percentage  
 27 of such monthly payments shall be made to each beneficiary thereof, until the  
 28 said fund shall be replenished to warrant the payment in full to each of said  
 29 beneficiaries.

Sec. 9. Any member of the department of electricity of any such city, vil-  
 2 lage or incorporated town, after having served twenty years or more in such  
 3 department of electricity or in the electrical branches of any departments of  
 4 the same city, village or incorporated town, of which the last two (2) years shall  
 5 be continuous, may make application to be relieved from such department of  
 6 electricity; after he shall have reached the age of fifty years, following such re-  
 7 tirement, or if he be fifty years of age at the time of such retirement, or if he  
 8 shall be discharged from such department of electricity, after having served  
 9 twenty years or more in such department, of which the last two years shall be  
 10 continuous, the said board of trustees shall order and direct that said person  
 11 shall be paid a monthly pension equal to one-half ( $\frac{1}{2}$ ) the amount of salary at-



12 tached to the position which he may have held in said department of electricity  
 13 at the date of his retirement or discharge, but in no case to exceed the sum of  
 14 sixty dollars (\$60.00) per month after the decease of such member, his widow  
 15 or minor child or children under sixteen years of age, or dependent parents, if  
 16 any surviving him, shall be entitled to the pension provided for in this Act, but  
 17 nothing in this or any other section of this Act shall warrant the payment of  
 18 any annuity to any widow of a deceased member of such department of elec-  
 19 tricity after she shall have remarried.

Sec. 10. This Act shall apply to all persons who are now or shall here-  
 2 after become members of such departments of electricity who are paid on a  
 3 monthly basis; time served in the electrical branches of any of the departments  
 4 of the same cities, villages or incorporated towns shall count as service in the de-  
 5 partments of electricity for the purposes of this Act; and all such persons shall  
 6 be eligible to the benefits secured by this Act.

Sec. 11. The treasurer of the board shall be the custodian of said pension  
 2 fund, and shall secure and safely keep the same, subject to the control and direc-  
 3 tion of the board, and shall keep his books and accounts concerning said fund in  
 4 such manner as may be prescribed by the board; and the said books and account  
 5 shall always be subject to the inspection of the board or any member thereof  
 6 The treasurer shall, within ten days after his election or appointment, execute  
 7 bond to the city, village or incorporated town, with good and sufficient securities  
 8 in such penal sum as the board shall direct, to be approved by the board, condi-  
 9 tioned for the faithful performance of the duties of his office, and that he wi  
 10 safely keep and well and truly account for all moneys and property which ma  
 11 come into his hands as such treasurer; and that on the expiration of his term o  
 12 office he will surrender and deliver over to his successor all unexpended money



13 and all property which may have come into his hands as treasurer of such fund.  
14 Such bond shall be filed in the office of the clerk of such city, village or incor-  
15 porated town, and in case of a breach of the same, or the conditions thereof,  
16 suit may be brought on the same in the name of such city, village or incorpor-  
17 ated town, for the use of said board, or of any person or persons injured by such  
18 breach.

Sec. 12. It shall be the duty of the mayor, or the president of the board  
2 of trustees and clerk, or the comptroller, if there be one, and the officer or offi-  
3 cers of such city, village or incorporated town, who are or may be authorized  
4 by law to draw warrants upon the treasurer of such city, village or incorporated  
5 town, upon request made in writing by said board, to draw warrants upon the  
6 treasurer of such city, village or incorporated town, payable to the treasurer of  
7 said board, for all funds in the hands of the treasurer of such city, village or  
8 incorporated town, belonging to said pension fund.

Sec. 13. All moneys ordered to be paid from said pension fund to any per-  
2 son or persons, shall be paid by the treasurer of said board only upon warrants  
3 signed by the president of the board and countersigned by the secretary thereof;  
4 and no warrant shall be drawn except by order of the board duly entered in the  
5 records of the proceedings of the board. In case the said pension fund or any  
6 part thereof shall, by order of said board or otherwise, be deposited in any bank,  
7 or loaned, all interest or money which may be paid or agreed to be paid on ac-  
8 count of any such loan or deposit shall belong to and constitute a part of said  
9 fund: *Provided*, That nothing herein contained shall be construed as authoriz-  
10 ing said treasurer to loan or deposit said fund or any part thereof, unless so  
11 authorized by the board.

Sec. 14. The board of trustees of said pension fund shall make report to  
2 the council of said city, village or incorporated town, of the condition of said  
3 pension fund on the first day of January in each and every year.

Sec. 15. No portion of said pension fund shall, either before or after its  
2 order of distribution by said board to such disabled members of said depart-  
3 ment of electricity, or to the widow, or to the guardian of such minor child or  
4 children, or to the dependent parent or parents, or to a deceased or retired mem-  
5 ber of such department, be held, seized, taken subject to, or detained or levied  
6 on by virtue of any attachment, execution, injunction, writ, interlocutory or  
7 other order or decree, or any process or proceeding whatever issued out of or  
8 by any court of this State for the payment or satisfaction in whole or in part of  
9 any debt, damages, claim, demand or judgment against any such member, or  
10 his widow, or the guardian of said minor child or children, or dependent parent  
11 or parents, of any deceased member, but the said fund shall be sacredly held,  
12 kept, secured and distributed for the purpose of pensioning the persons named in  
13 this Act, and for no other purpose whatever.

Sec. 16. All Acts or parts of Acts inconsistent with this Act are hereby  
2 repealed.

- 1   Reported from Senate May 26, 1909.
- 2   Read a first time, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act to amend section 8 of "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872, be amended to read as follows:

4      Sec. 8. If any beneficial devise, legacy or interest shall be made or given in  
5 any will, testament or codicil to any person subscribing such will, testament or  
6 codicil as a witness to the execution thereof or to the husband or wife of such  
7 person, such devise, legacy or interest shall as to such subscribing witness, or,  
8 if given to the husband or wife of the subscribing witness, as to such husband  
9 and wife, and all persons claiming under such witness, or under the husband  
10 or wife of such witness, as the case may be, be null and void, unless such will,

11 testament or codicil be otherwise duly attested by a sufficient number of wit-  
12 nesses exclusive of such person, according to this Act; and he or she shall be  
13 compellable to appear and give testimony on the residue of such will, testa-  
14 ment or codicil in like manner as if no such devise or bequest had been made.  
15 But if such witness, or the husband or wife of such witness, would have been  
16 entitled to any share of the testator's estate, in case the will, testament or codi-  
17 cil was not established, then so much of such share shall be saved to such  
18 witness, or to the husband or wife of such witness, as shall not exceed the  
19 value of the said devise or bequest made to him or her as aforesaid.



1 Reported from Senate, May 26, 1909.

2 Read a first time, ordered printed and referred to Committee on Judiciary.

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## A BILL

For an Act concerning limitations of interests in property.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That any remainder, vested or contingent, or other  
3 expectant or executory interest in property (including possibilities of reverter  
4 and rights of entry for condition broken), created by a gift, grant or devise  
5 hereafter taking effect, shall be freely alienable in the same manner as a pres-  
6 ent interest in like property; and no such remainder or other interest shall  
7 be defeated by the determination of the precedent estate or interest prior to  
8 the happening of the event or contingency on which the remainder or expect-  
9 ant interest is limited to take effect.

**Sec. 2.** Where any grant or devise hereafter taking effect of any prop-

2 erty shall limit an estate for life or of freehold to any person and an estate  
3 in remainder to the heirs of the body of such person, such person shall not  
4 be deemed to take an estate of inheritance, and the persons who, upon the  
5 taking effect of such remainder in possession, shall be the heirs or the heirs

6 of the body (as the case may be) of such person, shall take by virtue of the  
 7 remainder so limited to them, it being the intent of this provision to abrogate  
 8 the rule of law commonly known as the rule in Shelley's case.

Sec. 3. In any gift, grant or devise hereafter taking effect, a limitation  
 2 of an executory interest contingent upon the event of a prior taker "having  
 3 no issue" or "dying without issue" or "dying without leaving issue" (or using  
 4 words of similar import) shall not be held to refer to an indefinite failure of  
 5 issue, but shall be deemed to refer to the want or failure of issue at the time  
 6 of the death of the person named as ancestor.

Sec. 4. In a gift, grant or devise hereafter taking effect, no limitation of  
 2 any future interest in property shall be invalid by reason of being conditioned  
 3 upon the first or prior taker of such property dying without having disposed  
 4 thereof in his lifetime or by will.

Sec. 5. In any grant or devise hereafter taking effect every estate which  
 2 would be adjudged a fee tail according to the law of England as it existed  
 3 after the statute of Edward I, commonly known as the statute *de donis con-*  
 4 *ditionalibus* (*provided, however, no recourse be had to any implication or the*  
 5 *rule in Shelley's case*), shall be deemed a fee simple; and if no valid remain-  
 6 der be limited thereon, a fee simple absolute. Where a remainder shall be  
 7 limited on any estate which would be a fee tail according to the  
 8 law of England as it existed after said statute of Edward I (*provided, how-*  
 9 *ever, no recourse be had to any implication or to the rule in Shelley's case*),  
 10 such remainder shall operate as a contingent limitation on a fee and shall vest  
 11 in possession, if at all, on the death of the person who would have been the  
 12 first tenant in tail without issue living at the time of such death. As to any  
 13 such grant or devise, section 6 of "An Act concerning conveyances," ap-  
 14 proved March 29, 1872; shall be and the same is hereby repealed.

- 1    Reported from Senate April 22, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to authorize corporations organized to do the business of accident insurance on the assessment plan to amend their certificates of incorporation so as to include among their corporate powers the authority to insure against disability resulting from sickness or disease and to provide a funeral benefit for their members.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any corporation now existing or hereafter or-  
3 ganized for the purpose of transacting the business of accident insurance on  
4 the assessment plan may amend its articles of incorporation so as to include  
5 among its corporate powers the authority to insure against disability result-  
6 ing from sickness or disease, and to pay to the beneficiary of its deceased  
7 members a funeral benefit which shall not exceed one hundred dollars (\$100)  
8 in event of death of any member, by filing with the Insurance Superintendent  
9 a declaration of its desire to so amend its articles of incorporation, setting forth

10 the proposed change or amendment, signed and duly acknowledged by a ma-  
11 jority of its trustees, directors or managers, whereupon the Insurance Super-  
12 intendent, if said change or amendment be approved by him, shall file the same,  
13 together with his certificate of approval, with the Secretary of State, who shall  
14 then issue to said corporation a certificate of such change or amendment under  
15 the seal of the State of Illinois, and attach thereto copies of all papers so filed  
16 with him by the Insurance Superintendent, and the same shall be recorded in the  
17 recorder's office of the county where the original certificate of incorporation was  
18 recorded, and such certificate of incorporation shall thereupon be deemed so  
19 changed and amended, and such corporation shall thereby be empowered to  
20 insure against disability resulting from sickness or disease and to provide such  
21 funeral benefit.

Sec. 2. Each corporation filing the declaration of desire to so amend its  
2 articles of incorporation as above shall accompany the same with a fee of ten  
3 dollars (\$10.00) to be paid to the Insurance Superintendent, and a fee of four  
4 dollars (\$4.00) to be paid to the Secretary of State.

Sec. 3. This Act shall take effect and be in force from and after its  
2 passage.



AMENDMENTS TO

46th Assem.      Senate Bill No. 332 in House      May 1909

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May 14, 1909.

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AMENDMENT NO. 1.

Add to the title the following: "and to authorize life insurance companies organized in this State to transact the business of accident and health insurance."

AMENDMENT NO. 2.

Add to section 2 the following: "Life insurance companies now organized under the laws of this State or that may be organized hereafter under the laws of this State, having power to make insurance upon the lives of persons and every insurance pertaining thereto or connected therewith, and to grant or dispose of annuities, may issue policies insuring persons against loss of life or personal injury resulting from any cause and against loss of time resulting from disease, and include in such policies two or more of said kinds of insurance, and which policies shall state the agreement with the persons receiving the same."

AMENDMENT NO. 3.

Add as section 3 the following: "All Acts or parts of Acts inconsistent with this Act hereby are repealed."

AMENDMENT NO. 4.

Renumber section 2 and make it section 4, and renumber section 3 and make it section 5.



1 Reported from Senate May 20, 1909.

2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for the State Board of Agriculture and county  
and other agricultural fairs.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That there be, and is hereby appropriated to the  
3 State Board of Agriculture the following sums to-wit:

4 For the encouragement of an exhibit at the State Fair, the sum of five  
5 thousand dollars (\$5,000) per annum for the years 1909 and 1910.

6 For the salary of the secretary, the sum of three thousand dollars (\$3,000)  
7 per annum for the years 1909 and 1910.

8 For traveling expenses of the members and officers of the board, the sum  
9 of three thousand dollars (\$3,000) per annum for the years 1909 and 1910.

10 For clerk hire, the sum of thirty-six hundred dollars (\$3,600) per annum  
11 for the years 1909 and 1910.

12 For receiving and shipping clerk, the sum of one thousand dollars (\$1,000)  
13 per annum for the years 1909 and 1910.

14 For janitor, the sum of four hundred and twenty dollars (\$420.00) per an-  
15 num for the years 1909 and 1910.

16 For the expenses of collecting, compiling and publishing live stock and  
17 agricultural statistics, the sum of six hundred dollars (\$600) per annum for  
18 the years 1909 and 1910.

19 For the agricultural library, the sum of two hundred dollars (\$200) per  
20 annum for the years 1909 and 1910.

21 For office expenses, furniture, repairs, postage, expressage, etc., the sum of  
22 twelve hundred dollars (\$1,200) per annum for the years 1909 and 1910.

Sec 2. That on the order of the president, countersigned by the secre-  
2 tary of the State Board of Agriculture, and approved by the Governor, the  
3 Auditor of Public Accounts shall draw his warrant upon the State Treasurer  
4 in favor of the treasurer of the Illinois State Board of Agriculture for the sums  
5 herein appropriated.



AMENDMENTS TO

46th Assem.      Senate Bill No. 337 in House      May 1909

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Adopted May 26, 1909.

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AMENDMENT NO. 2.

Amend by striking out in line 9, section 1, of the printed bill, the words and figures "\$3,000" and inserting in lieu thereof the words and figures "\$2,000."

AMENDMENT NO. 3.

Amend by striking out in section 1, lines 19 and 20.

AMENDMENT NO. 4.

Amend by inserting between lines 20 and 21 of the printed bill "for maintenance, repairs and care of the Illinois State fair grounds and buildings thereon, the sum of five thousand dollars (\$5,000) per annum for the years 1909 and 1910.

AMENDMENT NO. 5.

Amend by inserting in line 3, section 1, of the printed bill, after the word "sums" the following: "which sums shall be used by the said board for the purposes specified and no other."



- 1   Reported from Senate, April 27, 1909.
- 2   Read by title, ordered printed and to a first reading.

A BILL

For an Act to amend sections five (5), nine (9), thirteen (13), fifteen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-five (55) and fifty-nine (59), and to repeal sections nineteen (19), twenty (20), twenty-one (21) and twenty-two (22), and to add three new sections, to be known as sections five A (5a), seventeen A (17a) and seventeen B (17b) respectively, to an Act entitled “An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,” approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections five (5), nine (9), thirteen (13), fifteen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-five (55) and fifty-nine (59) of an Act entitled “An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,” approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907, be and the same are hereby amended, and by adding thereto three additional sections, to be known as sections five A (5a), seventeen A (17a) and seventeen B (17b) respectively, and which shall read as follows:

Sec. 5. On the hearing of any petition filed under the provisions of this chapter, all parties through or upon whose land any of the proposed work may be constructed, or whose lands may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. It shall be the duty of the court to hear and determine whether or not the said petition contains the signatures of a majority of the owners of lands within said proposed district who are of lawful age, and who represent one-third in area of the lands proposed to be affected by such work, or that the said petition is signed by one-third (1-3) of the owners of lands in said proposed district who have arrived at lawful age and who represent a major portion in area of the lands proposed to be reclaimed or bene-



29 fited, and the affidavit of any three (3) or more of the signers of said peti-  
30 tion, that they have examined said petition and are acquainted with the  
31 locality of said district, and that the said petition is signed by a majority of  
32 such owners, who are of lawful age, who represent at least one-third in area  
33 of the lands proposed to be affected by such work, or that said petition is  
34 signed by one-third (1-3) of the owners of lands in said proposed district who  
35 have arrived at lawful age and who represent a major portion in area of  
36 the lands proposed to be reclaimed or benefited, may be taken by the court as  
37 *prima facie* evidence of the facts stated therein; or the oath or affirmation  
38 before said court, or the affidavit of any person, properly taken and certified  
39 by any person or court authorized to take acknowledgments of deeds to real  
40 estate, in this State, giving the age of such party, and his or her ownership  
41 of lands, to be named in such oath, affirmation or affidavit, by proper descrip-  
42 tion, shall be sufficient evidence to the court of such facts: *Provided*, that all  
43 deeds made for the purpose of establishing or defeating the prayer of said  
44 petition, not made in good faith and for a valuable consideration, shall be  
45 taken and held to be in fraud of the provisions of this Act, and the  
46 holders thereof shall not be considered as owners thereof. If the court, after  
47 hearing any and all competent evidence, that may be offered before it for  
48 and against the said petition, shall find the same has not been signed as  
49 hereinbefore required, the said petition shall be dismissed at the cost of the  
50 petitioners; but if the court shall find that the petition has been signed, as  
51 heretofore provided, the court shall so find, and such finding shall be con-  
52 clusive upon the land owners of such district that they have assented to  
53 and accepted the provisions of this Act; and if it shall further appear to the  
54 court that the proposed drain or drains, ditch or ditches, levee or other works,  
55 is or are necessary or will be useful for the drainage of the lands proposed to be  
56 drained thereby, for agricultural, sanitary or mining purposes, the court shall so  
57 find, and appoint three (3) competent persons as commissioners, each of whom

58 shall hold his office until his successor is appointed, as hereinafter provided, to lay  
 59 out and construct such proposed work. In case the lands to be drained or leveed  
 60 shall be situated in different counties, not more than two (2) of the commissioners  
 61 shall be chosen from any one of such counties. If the court shall find against the  
 62 petitioners, the petition shall be dismissed at the cost of the petitioners.

63       Sec. 5a. In any case, or cases, wherein any petition has been filed, or proceed-  
 64 ings been had, for the organization of a drainage and levee district since the 20th  
 65 day of May, A. D. 1907, wherein the petition was signed by one-third, only, of the  
 66 owners of lands to be affected, who had arrived at lawful age and who represented a  
 67 major portion of the lands to be affected, and the court in which such proceedings  
 68 were had so found and proceeded to appoint commissioners, the proceedings so had  
 69 and orders thereupon made, if the same be in other respects valid and sufficient,  
 70 shall be deemed, held and esteemed to all intents valid and sufficient as though this  
 71 Act had been at the time, and times, respectively, in full force and effect.

72       Sec. 9. Immediately after their appointment the commissioners shall  
 73 examine all the land proposed to be drained or protected and the lands over  
 74 or upon which the work is proposed to be constructed, and determine:

75       *First* If drainage and levee work is proposed in the petition, whether the  
 76 starting point, route and terminus of the proposed work and the proposed location  
 77 thereof is or are in all respects proper and feasible; and if not, what is or are so.

78       *Second* The probable cost of the work mentioned in the petition, includ-  
 79 ing all incidental expenses, and the cost of the proceedings therefor.

80       *Third* The probable annual cost of keeping the same in repair after the  
 81 work is completed.

82       *Fourth* What lands will be injured by the proposed work, and the prob-  
 83 able aggregate amount of all damages such lands will sustain by reason of the  
 84 laying out and construction of such work.

85 *Fifth*—What lands will be benefited by the construction of the proposed  
 86 work, and whether the aggregate amount of benefits will equal or exceed the  
 87 cost of constructing such work, including all incidental expenses, costs of  
 88 proceedings and damages.

89 *Sixth*—Whether the proposed district, as set out in the petition filed, will  
 90 embrace all the lands that may be damaged or benefited by the proposed work;  
 91 and if not, to report what additional lands will be so affected.

92 *Seventh*—In case the prayer of the petition is for the purpose of repair-  
 93 ing and maintaining a levee or levees, ditch or ditches, heretofore constructed  
 94 under any law of this State, it shall be the duty of the commissioners to  
 95 examine the said levee or levees, ditch or ditches, and the lands intended to  
 96 be reclaimed thereby, and to report to the court—

97 First—Whether, in their opinion, said levee or levees, ditch or ditches, can  
 98 with proper repairs be made sufficient to protect permanently said lands from  
 99 overflow from high water, or to drain the same.

100 Second—The probable annual expense of keeping the same in such repair.

101 Third—What lands will be benefited thereby, and the probable aggregate  
 102 amount of such benefits.

103 Fourth—Whether the aggregate annual amount of benefits will equal or  
 104 exceed the annual costs of such repairs, including all incidental expense and  
 105 costs of proceedings; and,

106 Fifth—Whether the proposed district will embrace all the lands that may  
 107 be benefited by the maintenance of such levee or ditch, or combined system  
 108 of drainage; and if not, to report what additional lands will be so affected,  
 109 giving a description and the names of the owners thereof, which report shall  
 110 be filed with the clerk of said court.

111 Sec. 13. After the appointment of the commissioners, as provided for in  
 112 section nine (9) of this Act, the cause shall be continued by the court to a



113 day for the filing of their report, and in the event said commissioners are not  
114 ready to report on the day fixed, they may appear before the court  
115 and obtain a continuance or continuances until said report is ready to be  
116 filed, but such continuance or continuances shall in such instance be to a  
117 day certain, and all persons interested shall take notice of any such continu-  
118 ance or continuances. Upon said report being filed with the clerk of the  
119 court appointing such commissioners, the court shall fix a day not less than  
120 ten days nor more than four weeks from the filing thereof, for the hearing  
121 thereon: *Provided*, that in case the commissioners shall recommend that  
122 additional lands be embraced in the proposed district, the owner or owners  
123 of such lands shall be given notice by the commissioners, in the manner and  
124 for the time provided by section three (3) of this Act, of the hearing on said  
125 report. At the time of the hearing all persons may appear and contest the con-  
126 firmation of said report or show that additional drains, ditches or other work  
127 should be constructed, or that the report ought to be modified in any particular.  
128 and may offer any competent evidence in support thereof; and the said report of  
129 said commissioners shall be *prima facie* evidence of the facts therein set forth.

130       Sec. 15. If the report be referred back to the commissioners for amend-  
131 ment, the court shall fix a day when the commissioners shall again present  
132 their report, in which case the hearing shall stand adjourned to that day, and  
133 no further notice shall be required thereof.

134       Sec. 16. If, after hearing all objections, if any, to the report of the  
135 commissioners, and all applications, if any, to annex other lands to the pro-  
136 posed district, the court finds that a drainage or levee district should be  
137 organized, the plat of the same shall be recorded and an order be made ac-  
138 cording to the findings of the court, substantially as follows:



139 County Court of.....county.....term, A. D. 19...

140 In the matter of the petition of (here insert names of the petitioners),  
 141 this day the report of.....commissioners heretofore appointed  
 142 by this court to examine the lands proposed to be drained or protected and  
 143 the lands over which the work is proposed to be constructed (if additional  
 144 lands are recommended by the commissioners to be brought into the proposed  
 145 district, insert here the giving of notice to the owners of such land, as re-  
 146 quired in section thirteen (13) of this Act), and said report having been set  
 147 down for hearing in the manner required by law, and the court having duly  
 148 examined said report and having heard evidence concerning the same, and  
 149 considered all objections to the same, it is ordered by the court that the re-  
 150 port of said commissioners (or, if said report has been modified by the court,  
 151 as modified by the court) be and the same is hereby confirmed; and the court  
 152 further finds that the work proposed in said petition to be done will be use-  
 153 ful for agriculture, sanitary or mining purposes to the owners of land with-  
 154 in said proposed district; and the court also finds that the persons who have  
 155 signed said petition are of lawful age and are a majority of the adult land  
 156 owners, representing one-third in area (or one-third of the adult land own-  
 157 ers owning a major portion, as the case may be) of the land to be affected  
 158 by such proposed work. And the court further finds that the said drainage  
 159 district of the corporate name mentioned in said petition, viz.....  
 160 bounded as follows, ....., is duly established as provided by law.  
 .....County Judge.

161 And upon entering such order of record, said district is hereby declared  
 162 by law to be organized as a drainage district by the name mentioned in  
 163 the petition, and with the boundaries fixed by the order confirming the report  
 164 of the said commissioners, and said district is hereby declared to be a body  
 165 politic and corporate, by the name mentioned in said order of court, with the  
 166 right to sue and be sued, and to have perpetual succession, and may adopt  
 167 and use the corporate seal; and the commissioners appointed as aforesaid  
 168 and their successors in office shall, from the entry of such order of confirma-  
 169 tion, constitute the corporate authorities of such drainage district, and shall  
 170 exercise the functions conferred upon them by law.

171 Said order shall be final, and separate or joint appeals and writs of error may  
 172 be taken to the supreme court by the parties affected thereby: *Provided*, the  
 173 granting of an appeal or writ of error to one or more persons, or the reversal of  
 174 said order upon such appeal or writ of error by such person or persons sepa-  
 175 rately or jointly shall not impair nor invalidate said organization as to all other  
 176 persons not appealing nor suing out such writs, nor shall such appeal or writ of  
 177 error delay the work or proceedings so far as it affects the lands of such other  
 178 persons. Nor shall it be a valid ground of objection on the part of any land  
 179 owner upon said hearing, or upon an appeal from said order, or upon any writ of  
 180 error attacking the said order, that any owner of other land has not received suf-  
 181 ficient notice of the said proceedings, or that the said order is invalid as to the  
 182 said owner of other lands; but such other owners and lands may be thereafter  
 183 brought into and included in the said district, and assessed therein under the pro-  
 184 visions of sections fifty-eight (58), sixty (60) and sixty-one (61) of this Act, and  
 185 when such other lands should properly be included in said district.

186 Sec. 17. After the order provided for in the foregoing section shall have  
 187 been signed, the commissioners shall proceed to acquire the right of way and  
 188 release of damages for the construction of the proposed work, by agreement  
 189 with the land owners so far as they may be able to agree with said land own-  
 190 ers, and to make out an assessment roll in which shall be set down in proper  
 191 columns, the names of the owners, when known, a description of the premises  
 192 affected, in words or **figures**, or both, as shall be most convenient, the num-  
 193 ber of acres in each tract, and, if benefits are assessed against the same, the  
 194 amount of benefits against each tract, and if damages are allowed to, the  
 195 amount of the same against each tract; they shall also include therein all  
 196 railroads, public highways and municipal corporations to be affected by  
 197 the proposed work, and the amount of benefits assessed against, and dam-  
 198 ages, if any, accruing to the track and right of way of said railways and pub-

lie highways and roads, and the streets and alleys of such municipal corporations; and they shall also, in cases where the district is not organized for a combined system of drainage independent of levees, make an assessment of the "annual amount" of benefits which each tract will sustain by keeping said levees, ditches or other work in repair, all of which shall be known as the "Commissioners' roll of assessments of benefits and daingaes."

Sec. 17a. Upon the filing of the "Commissioners' roll of assessments of benefits and damages," with the clerk of the court, the commissioners shall give ten days notice in the manner provided by section three (3) of this Act, of the time and place when and where they will appear before the same court in which the petition was filed for the purpose of having a jury impaneled in accordance with the provisions of section six (6) of an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1st, 1872, and for the hearing before said jury, upon all questions of benefits and damages, to any of the land in said district.

Upon the hearing, the commissioners and all persons interested in the lands to be affected, shall have the same right of challenge of jurors as in other civil cases, in the county courts of this State. When said jury is selected they shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessment of benefits or of damages, or damages and benefits as the case may be, according to law; and thereupon said commissioners, on behalf of said district, shall present and file as their claim against the several land owners and tracts of land, the assessment roll provided for in section seventeen (17) of this Act, which shall make out a *prima facie* case for the commissioners, and all parties to said proceedings shall be permitted to present to said jury their case in person or by counsel, and offer any competent evidence as to the amount of benefits which any land in said district will receive by reason of said pro-



227 posed work, or as to the damages to land taken or damaged thereby over  
228 which the right of way has not been obtained, and after such evidence shall  
229 be presented and argument of counsel heard, the court shall instruct them as  
230 to the law and form of their verdict.

231       Sec. 17b. And thereupon said jury shall proceed to elect a foreman and  
232 a clerk from said jury, and in charge of such foreman shall proceed to examine  
233 the lands, railroads, streets, alleys and public highways to be affected by the  
234 proposed work, and ascertain, to the best of their ability and judgment, the  
235 benefits which will accrue to the lands, railroads, streets, alleys and public  
236 highways, to be affected by the said proposed work, and the damages to the  
237 lands taken or damaged thereby, over which the right of way for the construc-  
238 tion of the said proposed work had not been obtained, and the "annual  
239 amount" of benefits which each tract will sustain by keeping said levees,  
240 ditches or other work in repair (in cases where the district is not organized  
241 for a combined system of drainage independent of levees), and said jury  
242 shall make out their verdict in which shall be set down in proper columns the  
243 names of the owners, when known, a description of the premises to be affected, in  
244 words or figures, or both, as shall be most convenient, the number of acres in each  
245 tract and the amount of benefits assessed, if any, and the amount of dam-  
246 ages allowed, if any, against each tract, railroad, public highway, or  
247 municipal corporation; also, when required by this Act, the amount of "annual  
248 benefits," if any, which each tract will sustain by keeping said levees, ditches or  
249 other work in repair, and in finding such verdict they shall take into considera-  
250 tion their view of the premises as evidence and consider it with the other testi-  
251 mony offered in the case and allowed by the court, which verdict when so com-  
252 pleted, shall produce the total sum of the estimated cost of the proposed work and  
253 the proceedings incident to the same, together with the annual amount of benefits



254 which the lands will sustain by keeping said levees, ditches or other work in re-  
 255 pair, where required by this Act. and the amount of damages allowed, and said  
 256 verdict shall then be signed by the jury and filed in the court, and shall be taken  
 257 and held to be the verdict of the jury upon all questions of benefits and dam-  
 258 ages, arising in the proceedings; and thereupon the court shall confirm said ver-  
 259 dict and enter up judgment upon said verdict, and cause the same to be spread  
 260 upon the records and such judgment and verdict shall be a lien upon such lands  
 261 after said judgment, until paid. Appeals and writs of error shall be allowed there-  
 262 from as in cases of appeals or writs of error to county courts in proceedings  
 263 for the sale of lands for taxes or special assessments: *Provided*, that the  
 264 granting of an appeal in any one or more cases, of one or more persons shall  
 265 not operate to defer the collection of the judgment in other cases, but the col-  
 266 lection in other cases shall proceed as if no appeal had been taken. When said  
 267 appeals are decided, if the judgment of said county court shall be affirmed, or  
 268 upon said case being remanded for a new trial, if judgment shall be in favor  
 269 of said district, the county court shall order the judgment so rendered to be  
 270 made a part of said judgment not appealed from, and the same shall be col-  
 271 lected as if no appeal had been taken.

272 The court shall continue said cause to a day certain for the report of the  
 273 verdict of said jury, and if said jury are not ready to file their verdict on the  
 274 day fixed, said cause may be continued from time to time until they have  
 275 completed their verdict, and have returned same to the court, and all persons  
 276 interested shall take notice of the time of filing and making said report by the  
 277 jury.

278 The court may cause to be prepared and submit to said jury a form for  
 279 their said verdict including names of the owners and descriptions of the tracts  
 280 to be affected, including the railroads, public highways and municipal corpor-  
 281 ations, with blanks for the said jury to fill with the amounts of benefits and

282 damages as they shall find, and when completed the same may be placed in  
 283 form by the court in the presence of said jury, or the said jury may be re-  
 284 called at any time after being discharged to correct any errors or omissions  
 285 therein.

286       Sec. 17½. But in case drainage and levee work is proposed by the peti-  
 287 tion, the amount assessed for keeping said levee or ditch in repair, shall not in  
 288 the aggregate amount to a sum, in any one year, greater than would be pro-  
 289 duced by thirty cents per acre on all the lands within said district: *Provided*,  
 290 that should said district erect and maintain one or more pumping plants, an  
 291 assessment of annual benefits may be made as provided in section one (1) of  
 292 an Act entitled, "An Act to provide for the erection, maintenance and opera-  
 293 tion of pumping plants in certain drainage and levee districts and to legalize  
 294 and validate former proceedings, bond issues, indebtedness and expenditures  
 295 in regard thereto, on account of, or with a view to the erection, maintenance  
 296 and operation of such pumping plants," approved and in force May 13, 1905,  
 297 as amended by an Act approved May 20, 1907, in force July 1, 1907.

298       In case the petition shall set out that a levee or ditch has been made under  
 299 any law of this State and prays for an assessment of benefits to repair and  
 300 keep in repair said levee or ditch the commissioners shall cause to be made  
 301 an assessment of benefits which said lands will sustain by repairing said levee  
 302 or ditches, and also the "annual amount" of benefits which said lands will  
 303 sustain by keeping said levee or ditch in repair thereafter; and such assess-  
 304 ment of benefits shall be made in the manner provided by sections seventeen  
 305 (17), seventeen a (17a) and seventeen b (17b) of this Act; and in such case  
 306 no other or different assessment shall be made, but in all other respects the  
 307 commissioners shall comply with the provisions of this Act, so far as the same  
 308 may be applicable thereto: *Provided*, that in all cases where the amount of

309 benefits assessed, and the assessments of benefits to repair said levees, ditches  
310 or drains heretofore constructed under any law of this State are insufficient  
311 to complete the ditches, drains or levees embraced in the proceedings, the  
312 "annual amount of benefits" assessed to keep said levee or ditch in repair,  
313 making all necessary repairs for any year, may be applied to complete the  
314 ditches, drains or levees embraced in the proceedings, and to raising, strength-  
315 ening and protecting said ditches, drains or levees, when required to protect  
316 the lands embraced in the drainage and levee districts organized under this  
317 Act, from inundation and overflow, and in paying interest on any other notes or  
318 bonds issued under this Act.

319       Sec. 18. In making such assessment, the jury shall award and assess the  
320 damages and benefits in favor of and against each tract separately, in the  
321 proportion in which such tract of land will be damaged or benefited, and in  
322 no case shall any tract of land be assessed for benefits in a greater amount  
323 than its proportionate share of the estimated cost of the work and expenses  
324 of the proceeding, nor in a greater amount than it will be benefited by the  
325 proposed work, according to the best judgment of the jury, and when directed,  
326 by the commissioners, or the court impaneling a jury for making any addi-  
327 tional assessment of damages and benefits, or benefits, or for the purpose of  
328 making assessments in favor of, or against any one or more tracts, as the  
329 case may be, in any district, such jury may consider any prior assessment or  
330 assessments, against any lands, which are void and unpaid, by reason of some  
331 omission, clerical error, mistake, or for want of proper notice to the owner  
332 thereof, or on account of other irregularity of proceedings not affecting the  
333 merits of such prior assessments, and may include the same or any part thereof  
334 with such other assessments.



335       Sec. 26 $\frac{1}{2}$ . In case where a levee or ditch has been heretofore built under  
336 any law of this State, or may hereafter be built under the provisions of this  
337 Act, the annual amount of benefits for keeping the same in repair shall be due  
338 and payable on the 1st day of September annually, and shall be a lien on the  
339 lands upon which said assessments are made from and after the confirmation  
340 of the report. The court in which such proceedings are had shall require  
341 from said commissioners a report of the condition of the levee or ditch, at its  
342 July term of each year, together with their estimate of the amount neces-  
343 sary to keep the levee or ditch in repair, pay all incidental and necessary ex-  
344 penses for the ensuing year, and the amount necessary to complete the ditches,  
345 drains or levees embraced in the proceedings, and to raise, strengthen or pro-  
346 tect said ditches, drains or levees when completed, and in constructing addi-  
347 tional ditches, drains or levees when required to protect the lands embraced  
348 in the drainage and levee districts organized under this Act, from inundation  
349 and overflow; and if the court shall find that a less amount will be required  
350 for such ensuing year than the whole amount of the assessment for that year,  
351 then the court shall by an order fix the amount to be paid for such year, and  
352 only that amount shall be collected, and the excess of such assessment over  
353 and above the amount so fixed by said order for said year shall be remitted  
354 by law, and shall not thereafter be collected: *Provided*, that the amount to  
355 be collected under the order of said court shall not, in the aggregate, amount  
356 in any one year, to a sum greater than would be produced by a levy of thirty  
357 cents per acre on all the lands within said district; except as provided by an  
358 Act entitled, "An Act to provide for the erection, maintenance and operation  
359 of pumping plants in certain drainage and levee districts and to legalize and  
360 validate former proceedings, bond issues, indebtedness and expenditures in  
361 regard to, on account of, or with a view to the erection, maintenance and



operation of such pumping plants," approved and in force May 13, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907: *Provided*, *further*, that in all cases where the ditches, drains or levees constructed or repaired under this Act, are in danger of being impaired, injured, broken or destroyed by overflow or otherwise, and a part of the annual amount of benefits for protection and keeping the same in repair for the year in which said ditches, drains or levees are so threatened has been remitted by order of the court as herein provided, or when the annual amount of benefits for protecting and keeping the same in repair for any year is insufficient, the commissioners of drainage and levee districts, organized under this Act, may borrow money on the annual amount of benefits becoming due the first day of September, following the time when said ditches, drains or levees are so threatened, to the extent of two-thirds of said annual amount of benefits, and may secure the same by the notes or bonds of the drainage and levee districts bearing interest at the rate of six per cent per annum, and not running beyond one year from the date of issue, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the annual amount of benefits falling due thereafter for the repayment of the principal and interest thereof: *Provided*, that the report of the commissioners as to the condition of the levee or ditch and their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees, embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees, when re-

387 quired to protect the lands embraced in the drainage districts, when the pro-  
388 ceeding is before a justice of the peace, shall be made on the first Monday  
389 in July, in each year. But this section shall not apply to districts organized  
390 for the purpose of establishing a combined system of drainage independent  
391 of levees.

392       Sec. 37. Said commissioners may use money arising from the collection  
393 of assessments or coming into their hands, as such commissioners, for the  
394 purpose of compromising suits and controversies arising under this Act, and  
395 in the employment of all necessary agents and attorneys, in organizing said  
396 district, and for conducting other proceedings, in law or in equity, for the  
397 same, and for the purpose of constructing or repairing or maintaining any  
398 ditch, ditches, drains, levee or levees within said district, or outside of said  
399 district, necessary to the protection of the lands and complete drainage of  
400 the same within said district: *Provided*, that the commissioners shall use  
401 such money under the direction or approval of the court; and assessments  
402 from time to time may be levied on the land within any district when it  
403 shall appear to the court that the previous assessment or assessments have  
404 been expended or are inadequate to complete such work, or are necessary for  
405 maintenance or repair, or when it shall become necessary for the construc-  
406 tion of additional work, or the completion of any work already commenced  
407 within any drainage district to insure the protection or drainage of the lands  
408 in said district, under the direction and order of the court, or to pay obliga-  
409 tions incurred for the current expenses of said district or in the keeping in  
410 repair and protection of the work of such district, on a petition of a majority  
411 of the land owners within said district who are of lawful age and represent

at least one-third in area of such lands, or on the petition of the commissioners, accompanied by an itemized statement of accounts made by the commissioners under oath, showing the moneys received by the district and the manner in which they have been expended, together with the plats and profiles of such additional work and estimated cost of the same; two weeks previous notice of the time set for the hearing of said petition in the manner required by section three (3) of this Act having been given. Upon the hearing of such petition the court may grant the prayer of the same, and cause the jury to be impaneled to make said assessment with like proceedings and notice as near as may be as in cases of original assessments of damages and benefits under this Act, and such additional assessment or assessments, when made, shall have the same force and effect and be collected in the same manner as original assessments.

Sec. 42. The commissioners shall hold all their meetings for the transaction of business at any place in the county or counties in which said district is located, and shall receive for their services the sum of three dollars per day, and their necessary traveling expenses for each day they shall be actually engaged in the business of their office: *Provided*, that in districts having an area of more than seventy-five thousand acres the commissioners shall receive four dollars per day for each day actually engaged in their official duties, together with their necessary traveling expenses. The commissioners shall present an itemized account, under oath, to the county court, of the amounts due them respectively, which amounts shall be audited at least once a year by said county court, and certified by said court to their treasurer, to be paid by him on said certificate. But such itemized account or accounts shall be subject to the approval of the court as provided by section forty-one (41) of this Act. The clerk of the county court shall receive for his services



439 hereunder, such fees as are allowed by law for similar services in said county  
440 court.

441       Section 55. When a ditch, drain or levee, or other work established or  
442 repaired, or a combined system of drainage is located by the report of the  
443 commissioners, confirmed by the court or justice of the peace under this Act,  
444 drains or levees or proposes to drain or levee, either in whole or in part, any  
445 public or corporate road or railroad, or the streets and alleys of any municipi-  
446 pal corporation, so as to benefit any of such roads, so that the roadbed or  
447 traveled tract or other property of such road will be improved by the con-  
448 struction of such ditch, drain or levee, the commissioners shall apportion to  
449 the county, State, or free turnpike road, to the township, if a township road,  
450 to the company, if a corporate road or railroad, or to the municipal corpora-  
451 tion in the case of streets and alleys, such proportion of the cost and expense  
452 thereof as to private individuals, and shall include such apportionment in  
453 said "commissioners' roll of assessments of benefits and damages," and give  
454 to the corporate authorities so benefited, or, in case they are damaged, to the  
455 said corporate authorities so damaged, or benefited and damaged, as the case  
456 may be, the same notice and at the same time as shall be given to private  
457 individuals; and the matter of the amount of such assessments of benefits and  
458 damages if not agreed upon, shall be submitted to a trial by the same jury in the  
459 same manner as the benefits and damages to accrue to private individuals; and  
460 the said jury shall view and examine such road, railroad, streets and alleys, and  
461 shall proceed to assess the damages and benefits in like manner as to the  
462 lands of individuals, and no other or different notice shall be required to be  
463 given: *Provided*, that when the commissioners and the corporate authori-  
464 ties of the county, State or free turnpike, township road, corporate road, or  
465 railroad, or municipal corporation, or any of them agree as to the amount  
466 that they or any of them should contribute, that the amount so agreed on



467 shall be reported to the said jury when they meet to correct their assessment  
 468 roll, and the amount so agreed upon shall be incorporated into said assess-  
 469 ment roll when amended by said jury or commissioners: *And, provided, fur-*  
 470 *ther,* that the amount so assessed against any railroad company or private  
 471 corporation shall, upon the confirmation of the assessment roll by the county  
 472 court, become a lien upon the real property of such railroad company or  
 473 private corporation, and have the same force and effect as a judgment at law  
 474 in favor of such district against such railroad company or private corpora-  
 475 tion, and execution may issue thereon as upon judgments in courts of  
 476 record in other cases, and shall have a like lien upon personal estate. In  
 477 case such assessment is made against any township in this State the com-  
 478 missioners of highways of such town shall cause the same to be levied and  
 479 paid to said district in the manner provided by sections 13, 14, 15 and 16  
 480 of an Act entitled, "An Act in regard to roads and bridges in counties  
 481 under township organization, and to repeal an Act and parts of Acts there-  
 482 in named," approved June 23, 1883, or in such manner as may now or here-  
 483 after be provided by law: *And, provided, further,* that the sum assessed  
 484 against either of said corporations shall not include the expense of construct-  
 485 ing, erecting or repairing any bridge, embankment or grade, culvert or other  
 486 work of the roads of such corporations, crossing any ditch or drain, con-  
 487 structed on the line of any natural depression, channel or watercourse; but  
 488 the corporate authorities of such road or railroad are hereby required, at  
 489 their own expense, to construct such bridge, culvert or other work, or to re-  
 490 place any bridge or culvert temporarily removed by the commissioners in  
 491 doing the work of such district. Full power and authority is hereby given  
 492 the drainage commissioners to remove such bridges or culverts for the pur-  
 493 poses aforesaid, if they, in their judgment find it necessary.

494       Sec. 59. If, after an assessment of lands throughout the district has  
495 been made, for the purpose of constructing drains, or ditches, or enlarging or  
496 repairing the main drains or ditches of said district, according to the pro-  
497 files, plats and specifications of the commissioners, as reported and con-  
498 firmed, there remain lands in particular localities in said district, which are  
499 in need of more minute and complete drainage, and it shall appear to the com-  
500 missioners, on application of some owner or owners of land in the district,  
501 that in their judgment additional ditches, drains, outlets or other work are  
502 needed, in order to afford more complete drainage, and in all cases where upon  
503 written application to the commissioners, signed by a majority in number of  
504 the adult land owners in such locality owning in the aggregate more than one-  
505 third of the land affected, or by the adult land owners of a major part of the  
506 land in such locality who constitute one-third or more of the owners of the  
507 land affected, it shall appear that additional ditches, drains, outlets or other  
508 work are necessary in order to afford more complete drainage to such local-  
509 ity, it shall be the duty of such commissioners to examine such lands, and  
510 lay off and make plans, profiles and specifications of such additional work,  
511 and an estimate of the costs of the same and make a special report thereof,  
512 which special report shall describe all of the lands which will be either bene-  
513 fited or damaged by such additional work, together with the names of the  
514 owners, when known; such report being filed with the clerk of the county court,  
515 the commissioners shall give to all persons whose lands will be either bene-  
516 fited or damaged, whether they signed an application for additional work or  
517 not, three weeks notice of the filing and hearing of such report in the man-  
518 ner required by section three (3) of this Act; said notice shall state that the  
519 commissioners will appear before the county court at a day mentioned in said  
520 notice, and ask said court for a confirmation of such special report; and upon  
521 said hearing the court shall pass upon the sufficiency of the application, to-

522 gether with all other matters contained in said report, and upon confirmation  
523 thereof by the court, a special assessment of benefits and damages shall be  
524 made upon all of the lands benefited or damaged by the proposed work, in  
525 the manner provided for the making of original assessments of benefits and  
526 damages by this Act; and like proceedings shall be had therein as in other  
527 cases of assessment of benefits and damages, provided by this Act.

528 The affidavit of any of the commissioners, or any other creditable person,  
529 of the posting and mailing thereof affixed to a copy of said notice shall be  
530 sufficient evidence of the posting and mailing of said notices, and the certifi-  
531 cates of the publisher of the newspaper in which the said notice was pub-  
532 lished, shall be sufficient evidence of the publication of such notice.

533 Upon confirmation of said special report by the court, it shall be the duty  
534 of the court to declare all the lands found to be affected by the work pro-  
535 posed by said special report, to be organized into a sub-district, and all as-  
536 sessments received or collected in such sub-district, for the work of such sub-  
537 district, shall be kept as a separate fund belonging to such sub-district, and  
538 said commissioners shall have the power if necessary to issue bonds against  
539 any assessment or assessments in said sub-district in the same manner as  
540 bonds are issued in original districts.

541 The commissioners of the principal district shall be *ex officio* commission-  
542 ers of the sub-district.

543 Any lands lying outside of any sub-district as organized, the owner or  
544 owners of which shall thereafter make connection with any ditch or drain  
545 within any sub-district, or whose lands are or will be benefited by the work  
546 of such sub-district, shall be deemed to have made voluntary application to be  
547 included in such sub-district, and thereupon the commissioners shall make  
548 complaint as provided in section fifty-eight (58) of this Act as to lands lying



549 outside of a drainage district as organized, and like proceedings shall be had  
550 thereon as in cases of complaints made under said section fifty-eight (58).

Sec. 2. And be it further enacted that sections nineteen (19), twenty (20),  
2 twenty-one (21) and twenty-two (22) of the said Act of which this is an amend-  
3 ment, be and the same are hereby repealed; saving and reserving, however,  
4 any rights that may have heretofore accrued thereunder.

Sec. 3. WHEREAS, owing to the uncertain and unsettled condition of the  
2 laws of this State, on the subject of assessing benefits and damages, either by  
3 jury or by the commissioners, an emergency exists, therefore this Act shall be  
4 in force from and after its passage.



- 1   Reported from Senate May 19, 1909.
- 2   Read a first time, ordered printed and referred to Committee on Appropriations.

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A BILL

For an Act making an appropriation to provide for a deficiency in the ordinary  
and contingent expenses of the State Board of Live Stock Commissioners.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the sum of two thousand dollars (\$2,000), or  
so much thereof as may be needed, be and is hereby appropriated to meet a  
deficiency in the ordinary and contingent expenses of the State Board of Live  
Stock Commissioners, to-wit:

Deficiency in the appropriation for paying damages for animals diseased  
or exposed to contagion, slaughtered; for per diem and traveling ex-  
penses of assistant State Veterinarians and special agents; for prop-  
erty necessarily destroyed or disinfection of premises, when such dis-  
infection is practicable under any law of this State for the suppres-  
sion and prevention of the spread of contagious and infectious dis-  
eases among domestic animals, the sum of..... \$2,000

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrants for the above amounts upon the State Treasurer, upon vouchers  
3 certified by the Board of Live Stock Commissioners, and approved by the  
4 Governor.

Sec. 3. WHEREAS, An emergency exists, therefore this Act shall take  
2 effect and be in force from and after its passage.

- 1   Reported from Senate April 22, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, by adding one new section to said Act to be known as section 3c.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, be amended by adding one new section to be known as section 3c, to read as follows:

Sec. 3c. The State Board of Health may, in its discretion, admit to examination, by payment of the statutory fee for examination, any student who has completed the four years' course of instruction, as required by the rules of the State Board of Health, in a medical college determined in good stand-

10 ing with the State Board of Health, and who has passed the examinations of  
11 said college. And if said student successfully passes these examinations, the  
12 State Board of Health may issue to him a temporary license, authorizing him  
13 to practice medicine and surgery in the State of Illinois as an interne only  
14 in a hospital, on the payment of the statutory fee, which temporary license  
15 shall remain in effect for a period not exceeding eighteen months.

16 On the completion of the period for which the temporary license is  
17 issued, the board shall issue to the applicant the regular license of the board,  
18 without further examination or fee, providing that the applicant presents a  
19 diploma from the medical college in which he completed the session or term  
20 of the fourth year, and otherwise complied with the requirements of the board  
21 and with the provisions of the Act to which this Act is an amendment.



1    Reported from Senate May 20, 1909.

2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the protection of water for domestic use from pollution,  
and to provide for its purification, and providing a penalty for violation thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That whenever the State Board of Health or the  
3 common council or board of health of any city or village or the board of county  
4 commissioners or the board of supervisors of any county or the trustees of  
5 any township in this State shall make complaint in writing to the State Water  
6 survey, charging that any city, town, village, corporation, person or firm, named  
7 in the said complaint, is discharging or is permitting to be discharged, any  
8 sewage or other waste matters into any stream, water-course, lake, pond or  
9 other source of public water supply, and is thereby materially injuring the  
10 character of the water into which the same is discharged, to the injury of pub-  
11 lic health or comfort, or is polluting the source of any public water supply, it

12 shall be the duty of the State Water Survey to forthwith inquire into and in-  
 13 vestigate the conditions complained of and if upon such investigation said sur-  
 14 vey shall find that the sources of the public water supply of any city, town,  
 15 village or community in this State is being subject to contamination, or has  
 16 been rendered impure by reason of the discharge of sewage or other waste mat-  
 17 ters, or in any other manner by any city, town, village, corporation or person,  
 18 it shall notify such city, village, corporation or person causing the contamina-  
 19 tion or pollution of any said stream, water-course, lake or pond, of its findings.  
 20 and give them an opportunity to be heard. After such hearing, if the State  
 21 Water Survey determines that improvements or changes are necessary and  
 22 should be made, then said board shall notify the offender to install such im-  
 23 provements or changes in the offender's works, plant or property. if the said  
 24 survey knows of any, as will render the noxious matter so being passed into  
 25 the water not detrimental to the public health. Such improvements or changes  
 26 must be completed and put into operation within a time to be fixed by said Sur-  
 27 vey. The provisions of this section shall not apply to or be enforced against  
 28 any city, town, village or municipality located on a stream, lake or pond, any  
 29 part of which forms a boundary between the State of Illinois and another state.  
 30 or any part of a stream which flows from another state, so long as the unpuri-  
 31 fied sewage of cities, towns, villages, corporations or firms of such other states  
 32 is permitted by law to be discharged into such stream, lake or pond upstream  
 33 from such Illinois city, town, village or other municipality.

Sec. 2. Whenever the State Board of Health, or the board of health, the  
 2 health officer, or ten per cent of the electors of any city, town or village in this  
 3 State, shall file with the State Water Survey a complaint in writing, setting  
 4 forth that it is believed that the public water supply of such city, town or vil-  
 5 lage is impure and dangerous to health, it shall be the duty of the State Water  
 6 Survey forthwith to inquire into, and investigate the charges made in such

7 complaint, and if the State Water Survey upon such investigation, shall find  
8 and determine that such public water supply is impure and dangerous to health  
9 or that it is not sufficiently purified because of improper construction of works  
10 or inefficient management or operation thereof, or of inadequacy of the size of  
11 any works designed to purify such public water supply, said State Water Sur-  
12 vey shall notify the municipality, corporation or other person operating such  
13 water supply of the Survey's findings and give an opportunity to the offender  
14 to be heard. After such hearing, if the State Water Survey shall determine  
15 that improvements or changes are necessary in the works or plant of the of-  
16 fender to render the public water supply pure and healthful, it shall notify  
17 such municipality, corporation or other person operating said water supply or  
18 works to make such changes as the State Water Survey may recommend with  
19 respect to the works or to the source of the water supply, as will render the water  
20 pure and healthful to the satisfaction of the State Water Survey, which changes  
21 shall be made within a reasonable time to be fixed by the State Water  
22 Survey.

Sec. 3. Whenever the State Water Survey shall, on investigation volun-  
2 tarily instituted by it or instituted after complaint filed as in sections one and  
3 two of this Act mentioned, find that any water purification works or sewage  
4 purification works, by reason of incompetent or inefficient supervision or opera-  
5 tion are not producing an effluent as pure as might reasonably be obtained  
6 from those works, and that, by reason thereof, any public water supply has  
7 become impure or dangerous to health or that any stream, water-course, river,  
8 spring, lake or pond, has become materially polluted or has become a menace  
9 to health, said Survey shall issue an order to the municipality, corporation or  
10 other person having charge of, or operating such purification works, requiring  
11 that the effluent thereof shall be made as pure as might reasonably be ex-  
12 pected from such plant, if properly operated, and as shall be satisfactory to

13 said Survey; and in such order said Survey shall fix a reasonable time within  
14 which the order shall be complied with. If such order shall not, within such  
15 time, be complied with, the State Water Survey shall order the offender to ap-  
16 point, within ten days, a competent person, approved by the said State Water  
17 Survey, whose salary shall be paid by the municipality, corporation or firm to  
18 whom the order is addressed, to take charge of and to superintend the opera-  
19 tion of such purification plant or works, to the end that the effluent of such  
20 works shall be made as pure as might reasonably be expected from them,  
21 when properly operated, and as shall be satisfactory to said State Water Sur-  
22 vey.

Sec. 4. If any order of the State Water Survey, made in pursuance to  
2 the provisions of sections one, two or three of this Act, shall not be acceptable  
3 to the municipality, corporation or person against whom such order is made,  
4 then, within twenty days after the service of such order, such municipality, cor-  
5 poration or person may, by written request to said State Water Survey, re-  
6 quire it to submit the matter in dispute to two sanitary engineers, one to be  
7 selected by the State Water Survey and the other by the party making the  
8 request, and in case the two so selected are unable to agree they shall choose  
9 a third sanitary engineer, and a finding and report joined in by the two first  
10 chosen, or by any two of the three, if a third engineer shall have been chosen,  
11 shall become the finding of the Survey, and the basis of an order to be made  
12 by the Survey and both shall stand and be in force as a finding and order of the  
13 Survey until appealed from as in this Act provided. The sanitary engineers  
14 above mentioned shall be reputable and experienced. Such engineers shall pass  
15 upon and report, in writing, concerning the necessity and reasonableness of the  
16 order of the State Water Survey, making their report to the State Water Sur-  
17 vey, and shall therein affirm, modify or reject the existing order of the State  
18 Water Survey. Such finding and report shall be *prima facie* evidence of the



19 facts therein contained, and shall be treated as such in any appeal from the  
20 State Water Survey to a circuit or superior court, as hereinafter provided. The  
21 report of the engineers shall be made to the State Water Survey within thirty  
22 days after the appointment of the last of such engineers appointed, unless the  
23 State Water Survey shall, at the request of the engineers, extend the time.  
24 The State Water Survey shall accept such report and shall enforce it as an  
25 order of the Survey, unless an appeal shall be taken therefrom to the circuit  
26 or superior court as hereinafter provided. The fees and expenses of the refer-  
27 ence to engineers shall be paid equally by the State Water Survey and the per-  
28 son or corporation requesting the reference.

Sec. 5. It shall be the duty of the director of the State Water Survey to  
2 keep a complete record, in a proper record book of the Survey, of all of the  
3 proceedings of said Survey had in pursuance of any provision of this Act and  
4 of all evidence taken by the Survey in such proceeding, including as a part of  
5 such record, the findings and report of the sanitary engineers to be made as  
6 provided for in section four of this Act. Such record shall be a public record  
7 open to the public.

Sec. 6. Any one aggrieved by any order of the State Water Survey, made  
2 in pursuance of the provisions of this Act, may appeal from such order to the  
3 circuit or superior court of the county wherein such purification works are  
4 located, and wherein such polluting substance is alleged to be passed into the  
5 water, by filing with the director of the State Water Survey within twenty days  
6 after service of the order to be appealed from, a written request that an ap-  
7 peal be granted, accompanied by a bond with sufficient freehold surety, con-  
8 ditioned for the payment of all costs of said appeal, and for any damages that  
9 may flow from the suspension of the operation of said order appealed from,  
10 pending the appeal, if the party appealing shall be defeated in such appeal

11 Such appeal shall be perfected by filing with the clerk of such circuit or su-  
 12 perior court a complete transcript of the record of the State Water Survey in  
 13 the matter in which the appeal is taken. It shall be the duty of the State  
 14 Water Survey, as soon as such appeal is prayed and such bond is given and  
 15 approved by the court, to cause such transcript to be made and certified by the di-  
 16 rector of the State Water Survey and upon payment of the cost of such tran-  
 17 script at the rate of fifteen (15) cents for each legal cap typewritten page thereof  
 18 to deliver the same to the appellant. Said cause on appeal shall be tried as a  
 19 civil cause, denovo, by the court without the intervention of a jury if said jury  
 20 trial be waived, otherwise either party upon demand shall be entitled to a trial  
 21 by jury, and an appeal shall lie from the decision, judgment or decree of such  
 22 circuit or superior court therein as in other civil causes. In such appeal the  
 23 appellant may contest the necessity and reasonableness of such order of the  
 24 State Water Survey. The court, on final hearing, shall affirm or overrule the  
 25 order of the State Water Survey appealed from: if it shall affirm such order the  
 26 appellant shall be liable for all costs of such appeal and damages suffered  
 27 while it was pending growing out of the suspension of the operation of the order  
 28 appealed from, or the court may adjudge an equitable division of the costs and  
 29 disallow damages as to it may seem just. If the court overrules the order ap-  
 30 pealed from, the appellant shall be relieved from the payments of costs and  
 31 damages.

Sec. 7. If any municipality, or officer thereof, upon whom the duty to act  
 2 is cast, or any other corporation or officer thereof, on whom the duty to act is  
 3 cast, or any person, shall fail or refuse, for a period of ten days after the ex-  
 4 piration of the time fixed by the State Water Survey for compliance with its  
 5 order, or in case of appeal or appeals for a period of ten days after final judg-  
 6 ment affirming the board's order, shall have been entered to obey the same or  
 7 in good faith to begin to make the changes and improvements in the works as

ordered by the State Water Survey, such municipality, corporation, officer or person so failing or refusing, shall become liable for and forfeit to the State of Illinois the sum of five hundred (\$500) dollars, to be recovered by the State in a civil action brought in said circuit or superior court, by the State of Illinois on the relation of its attorney general and such penalty, when collected, shall be paid into the State treasury for the use of the State.

Sec. 8. All cities, towns and other municipalities of this State are hereby given power to provide the means for paying the costs of constructing purification plants to purify the discharge of public sewers and drains, now in existence, or hereafter constructed, by assessing the cost thereof against all of the several parcels of real estate situate within their corporate limits and to make each assessment in a sum as great as, but not greater than the value of the benefits received by each parcel, respectively, by reason of the construction of such plant. The statutes for the construction of public sewers and assessing the cost of the same against real estate, in such municipalities, respectively, are hereby made applicable, as far as they can be, to the construction of such sewage purification plants and the assessing of the cost thereof against real estate benefited thereby and such cost may, at the option of the owner assessed, be paid in ten equal annual installments as in the case of assessments for such sewers.

Sec. 9. Whoever violates any of the provisions of this Act or of any order, rule or regulation of the State Water Survey, made in pursuance of the provisions of this Act, shall, upon conviction of such offense, be fined in a sum not greater than one thousand (\$1,000) dollars, to which may be added imprisonment in the county jail for not more than six months, and it shall be the duty of the attorney general and of the prosecuting attorneys of this State to prosecute for such violations.





AMENDMENTS TO

46th Assem.      Senate Bill No. 350 in House      May 1909

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Adopted May 27, 1909.

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AMENDMENT NO. 1.

Amend section 1 by striking out the word "common," in line 3 of the printed bill and in lieu thereof insert the word "city," and before the word "village," in said line three, insert the words "board of," and after the word "village," in said line three, insert the words "trustees or board of health of any village." In lines 4 and 5 strike out the words "supervisors of any county or the trustees of any," and in lieu thereof insert the words "health of any." In line 12 of section 1, before the word "State," insert "executive board of the chemical and biological survey of the waters of the State established by the trustees of the University of Illinois, according to an Act approved June 7, 1897, in force July 1, 1897, entitled, 'An Act to establish a chemical survey of waters of the State of Illinois,' and hereinafter called. In line 13, after the word "said," insert the words "State water," and in line 22 strike out the word "board" and in lieu thereof insert "State water survey," and in line 24, before the word "survey," insert "State water," and in line 26, after the word "said," insert the words "State water."

AMENDMENT NO. 2.

In line 13 of section 2, before the word "survey's," insert "State water."

In line 5 of section 3, before the word "are," insert "or of inadequate or in-

appropriate apparatus," and in line 9 of section 3, before the word "survey," insert the words "State water;" and in said line 9 strike out the words "issue an order to" and in lieu thereof insert "notify," and before the word "municipality," in said line 9, insert the word "offending;" and in line 13 of section 3, before the word "survey," where it appears in said line, insert the words "State water;" and in said line 13, before the word "survey," where it last appears in said line, insert the words "State water."

#### AMENDMENT NO. 3.

In line 1 of section 4 strike out the word "order," and in lieu thereof insert the word "finding;" and in lines 11, 12 and 13 insert the words "State water" before "survey," where it appears in each of said lines. In line 25, before the word "survey," insert the words "State water."

#### AMENDMENT NO. 4.

In lines 2, 3 and 4 of section 5 insert the words "State water" before the word "survey," where it appears in each of said lines.

- 1 Reported from Senate, May 11, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 2 of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

6      Sec. 2. No person shall hereafter begin the practice of medicine or any  
7 of the branches thereof, or midwifery, in this State without first applying for  
8 and obtaining a license from the State Board of Health to do so. Applications  
9 shall be in writing and shall be accompanied by the examination fees herein-

10 after specified and with proof that the applicant is of good moral character.  
 11 Applications from candidates who desire to practice medicine and surgery in  
 12 all their branches shall be accompanied by proof that the applicant is a gradu-  
 13 ate of a medical college or institution in good standing. When the application  
 14 aforesaid has been inspected by the board and found to comply with the fore-  
 15 going provisions, the board shall notify the applicant to appear before it for  
 16 examination at the time and place mentioned in such notice. Examinations  
 17 may be made in whole or in part in writing by the board and shall be of a  
 18 character sufficiently strict to test the qualifications of a candidate as a practi-  
 19 tioner. Examinations of those who desire to practice medicine and surgery in  
 20 all their branches shall embrace those general subjects and topics of knowl-  
 21 edge which is commonly and generally required of candidates for the degree  
 22 of doctor of medicine by reputable medical colleges in the United States. Ex-  
 23 aminations of those who desire to practice midwifery shall be of such charac-  
 24 ter as to determine the qualifications of the applicant to practice midwifery.  
 25 The examination of those who desire to practice any other system or science of  
 26 treating human ailments who do not use medicine, internally or externally, and  
 27 who do not practice operative surgery, shall be of a character sufficiently strict  
 28 to test their qualifications as practitioners.

29 All examinations provided for in this Act shall be conducted under the  
 30 rules and regulations prescribed by the board not in conflict here-  
 31 with which shall provide for a fair and wholly impartial method of ex-  
 32 amination: *Provided*, that graduates of legally chartered medical colleges  
 33 in Illinois in good standing, as may be determined by the board, may be granted  
 34 certificates without examination: *Provided, further*, that where an applicant  
 35 presents a certificate which has been granted by the Illinois State Board  
 36 upon a previous examination, such applicant shall be given credit for the sub-  
 37 jects upon which he has passed successfully in such previous examination:



38 *Provided, further,* that graduates of a regularly chartered and reputably con-  
39 ducted osteopathic college of medicine and surgery, who have completed a  
40 course of not less than four years of nine months, no two courses to be taken  
41 in any one year, and have passed an examination in all the regular branches  
42 of scientific knowledge regularly taught in medical colleges, including surgery,  
43 the theory and practice of osteopathy, surgical medicine and comparative  
44 therapeutics in which the physiological action of drugs, the use of antiseptics,  
45 antidotes and anæsthetics are embraced shall receive a license as a physician  
46 and surgeon from the State board, which license shall entitle the holder there-  
47 of to all the rights and privileges of physicians and surgeons and subject him  
48 to all the duties imposed by law upon physicians and surgeons in this State,  
49 upon the payment of the fees required by this Act.

50 *Provided, further,* that graduates of such regularly chartered and reputa-  
51 bly conducted osteopathic colleges of medicine and surgery, who graduated be-  
52 fore this Act comes in force, after completing a course of four years of nine  
53 months, shall be granted a license without examination, on the payment of re-  
54 quired fees provided in this Act, upon presentation of the diploma and inden-  
55 tification of the holder thereof.



1 Reported from Senate May 20, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in relation to the disposition of unclaimed deposits in banks and trust  
companies in this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the circuit court, upon the application of  
3 the State's attorney of the proper county, or the Attorney General of the State  
4 shall order and decree that all amounts of money heretofore or hereafter de-  
5 posited with any bank, savings bank or trust company doing business in the  
6 State of Illinois, to the credit of depositors who have not made a deposit on  
7 said account or withdrawn any part thereof or the interest, or on whose pass  
8 books the interest has not been added, which shall have remained unclaimed  
9 for more than ten (10) years after the date of such last deposit, withdrawal  
10 of any part of principal or adding of interest on the pass book, and for which  
11 no claimant is known, or the depositor of it cannot be found, shall, with the

12 increase or proceeds thereof, be paid into the treasury of the State of Illi-  
13 nois, to be held and used by the State Treasurer according to law, subject to  
14 be repaid to the person or the heirs, executors or administrators of such  
15 person having and establishing a lawful right thereto, with interest at the  
16 rate of three per cent per annum from the time when it was so paid into the  
17 State treasury to the time when it is paid over to such person. Upon the fil-  
18 ing of the petition by the State's attorney or the Attorney General, summons  
19 shall forthwith issue to each defendant mentioned in the petition, and shall be  
20 served in the same manner as is provided in cases in chancery. Process shall  
21 also be issued against the unknown owners and claimants by the name and  
22 description of unknown owners. A notice shall be given to such unknown  
23 owners, in the same manner as notices are required to be given to unknown  
24 owners in proceedings in chancery.

Sec. 2. Any person, or the heirs, executors or administrators of such per-  
2 son claiming a right to the money deposited with the State Treasurer under  
3 the provisions of the foregoing section, may establish his right thereto or the  
4 rights of the heirs, executors or administrators of such person by filing a  
5 petition in chancery in the circuit court of Sangamon county, in the State  
6 of Illinois, stating the nature of his claim and praying such money to be paid  
7 to him or the legal representatives, as herein provided. A copy of such peti-  
8 tion shall be served upon the Attorney General. The court shall thereupon  
9 examine said claim and the allegations and proofs, and if it shall find that  
10 such person, or the heirs, executors or administrators of such person are  
11 entitled to any money paid into the State treasury, as aforesaid, such court  
12 shall find and decree the amount to which such person or his heirs, executors or  
13 administrators are entitled.

14 A certified copy of the order or decree of the circuit court shall be a  
15 sufficient voucher for the Auditor of Public Accounts for drawing a warrant



16 on the State Treasurer for the payment to such person, or his heirs, execu-  
17 tors or administrators, of the amount so found to be due him. It shall be the  
18 duty of the Auditor of Public Accounts, when the certified copy of such de-  
19 cree or order is filed with him, to draw his warrant on the State Treasurer,  
20 payable to the order of the person or his heirs, executors or administrators  
21 named in such decree for the amount therein mentioned, and it shall be the  
22 duty of the Treasurer to pay the amount of such warrant.



- 1    Reported from Senate, May 20, 1909.
- 2    Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making appropriations for the Southern Illinois Penitentiary, at  
Chester.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented  
in the General Assembly:* That the following amounts, or so much thereof as  
may be necessary, be, and the same are, hereby appropriated to the Southern  
Illinois Penitentiary at Chester for the purpose hereinafter named and  
no other:

For ordinary expenses of the penitentiary and for the expenses of the  
commissioners and officers for the two years ending June 30, 1911, \$180,000.00  
per annum.

For maintaining library and furnishing chapel, \$350.00 per annum.

For expenses enforcing parole law, \$5,000.00 per annum.

- 11 For repairs and refurnishing, \$5,000.00 per annum.
- 12 For replacing water mains and improvements of reservoir, \$4,000.00.
- 13 For completing the stone wall around prison yard, \$10,000.00.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrants upon the State Treasurer for the moneys herein appropriated, upon  
3 the order of the board of commissioners of said penitentiary, attested by its  
4 secretary, with the seal of the institution attached, and approved by the Gov-  
5 ernor.



- 1   Reported from Senate May 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the Governor shall, with the advice and con-  
3 sent of the Senate, appoint three practical live stock men, not more than two  
4 of whom shall be of the same political party, who shall constitute a Board  
5 of Live Stock Commissioners, who shall hold their office in the order in which  
6 they are named; the first for one year, the second for two years and the third  
7 for three years, and their successors in office shall be appointed for three  
8 years each. Before entering on the duties of their office they shall each take  
9 and subscribe to an oath of office for the faithful performance of their duties  
10 as such commissioners, and shall file the same with the Governor. The said  
11 Board of Live Stock Commissioners may adopt an official seal, and may

12 authenticate all their official acts with the same and the signature of such mem-  
13 ber or officer of the board as it may by resolution direct.

14 The Governor shall appoint a competent veterinary surgeon, who shall be  
15 known as the State Veterinarian, who, together with his assistants shall act  
16 under the direction of said Board of Live Stock Commissioners in carrying  
17 out the provisions of this Act. The said State Veterinarian may, by and with  
18 the advice and consent of said board, appoint such assistant State veterina-  
19 rians as may be necessary, who shall receive pay only for the time actually  
20 employed under the direction and by the order of the State Veterinarian or  
21 the Board of Live Stock Commissioners.

Sec. 2. It shall be the duty of said Board of Live Stock Commissioners  
2 to cause to be investigated any and all cases, or alleged cases, coming to their  
3 knowledge, of communicable diseases among domestic animals, within this  
4 State, and to use all proper means to prevent the spread of such diseases, and  
5 to provide for the extirpation thereof; and in the event of reasonable ground  
6 for the belief that any such communicable disease exists in this State, it shall  
7 be the duty of the person owning or having in charge any animal or animals  
8 infected with such disease, or any other person having knowledge or reason to  
9 suspect the existence of such disease, to immediately notify said Board of Live  
10 Stock Commissioners, or some member thereof, by communication to said board  
11 or member, of the existence of such disease, and thereupon it shall be the duty  
12 of said board, or some member thereof, or authorized agent of the board, im-  
13 mediately to cause proper examination thereof to be made, and if such disease  
14 shall be found to be a dangerously contagious or dangerously infectious mal-  
15 ady, said board, or any member thereof, or the State Veterinarian, or any  
16 assistant State veterinarian, shall order such diseased animals, and such as  
17 have been exposed to contagion, and the premises in or on which they are, or  
18 which may have been recently occupied by them, to be strictly quarantined;

19 and they shall have power to order any premises and farms where the disease  
20 exists, or has recently existed, as well as exposed premises and farms, to be  
21 put in quarantine so that no domestic animal which has been or is so dis-  
22 eased, or has been exposed to such communicable disease, be removed from the  
23 premises so quarantined, nor allow any animal susceptible to such disease to  
24 be brought therein or thereon, except under such rules and regulations as said  
25 Board of Live Stock Commissioners may prescribe, which quarantine, and  
26 every quarantine established under the provisions of this Act, shall remain in  
27 force and effect until removed by order of said board; and said board shall  
28 prescribe such regulations as they may deem necessary to prevent any such  
29 disease from being communicated from any such diseased animal or exposed  
30 animal or from the infected premises or through any other means of communi-  
31 cation. In all such cases the said Board of Live Stock Commissioners, or in  
32 case the number of animals shall not exceed five, any member thereof, shall  
33 have power to order the slaughter of any or all of such diseased or exposed  
34 animals. The said board shall also have power to cause to be destroyed all  
35 barns, stables, premises, fixtures, furniture and personal property infected with  
36 any such communicable disease, so far as in their judgment may be necessary  
37 to prevent the spread of such disease and where the same cannot be properly  
38 disinfected; and to order the disinfection of all cars, boats or other vehicles  
39 used in transporting animals affected with any such communicable disease, or  
40 that have been exposed to the contagion thereof, and the disinfection of all  
41 yards, pens and chutes that may have been used in handling such diseased or  
42 exposed animals.

43 When the said board, upon the written report of the State Veterinarian,  
44 or any of his assistants, determines that any animal is affected with, or has  
45 been exposed to, any dangerously contagious or infectious disease, the board,  
46 or any member thereof, or any of its duly authorized agents, may agree with

the owner upon the value of such animal or of any property that it may be found necessary to destroy, and in case such agreement cannot be made, said board, or the member acting in behalf of the board, may appoint three disinterested citizens of the State to appraise such animals or property. Such appraisers shall subscribe to an oath in writing to fairly value such animals or property in accordance with the requirements of this Act, which oath, together with the valuation fixed by such appraisers, shall be filed with the board and be preserved by them. Upon such appraisal being made, it shall become the duty of the owner to immediately destroy such animals and to dispose of the carcasses thereof, and to disinfect the premises occupied by such animals in accordance with the rules prescribed by said board governing such destruction and disinfection. And upon his failure so to do, said board, or any member thereof, shall cause such animal or animals or property to be destroyed and disposed of, and thereupon such owner shall forfeit all right to receive any compensation for the destruction of such animal or animals or property.

When the board, upon the written opinion of the State Veterinarian, or of any assistant State veterinarian, determines that any barns, stables, outbuildings or premises are so infected that the same cannot be disinfected, they may quarantine such barns, stables, outbuildings or premises from use for the animals that might be infected by such use, and such quarantine shall continue in force and effect until removed by the board, and a violation of such quarantine shall be punished in the same manner as is provided for violations of other quarantine by this Act.

Any person feeling himself aggrieved by any quarantine established under the provisions of this Act may appeal to the full Board of Live Stock Commissioners, who shall thereupon sustain, modify or annul such quarantine as they may deem proper.

Whenever quarantine is established in accordance with the provisions of this Act, valid notice of the same may be given by leaving with the owner or



occupant of any premises so quarantined, in person, or by delivering to any member of his family, or any employe, over the age of ten years found upon the premises so quarantined, notice thereof, written or printed, or partly written and partly printed, and at the same time explaining the contents thereof. Such quarantine shall be sufficiently proven in any court by the production of a true copy of such notice of quarantine with a return thereon of the service of the same in the manner above required, attested by the seal of the Board of Live Stock Commissioners, with the signature of the proper officer thereof.

Sec. 3. Whenever said Board of Live Stock Commissioners shall become satisfied that any communicable disease exists among domestic animals in any municipality or geographical district in this State, and in their judgment it is necessary to quarantine such municipality or geographical district in order to prevent the spread of such disease into contiguous territory, they shall report the same to the Governor, who may thereupon, by proclamation, schedule and quarantine such municipality or geographical district, prohibiting all domestic animals of the kind diseased within such municipality or geographical district from being moved from one premises to another or over any public highway or any unfenced lot or piece of ground, or from being brought into, or taken from, such infected municipality or geographical district, except upon obtaining a special permit, signed by the Board of Live Stock Commissioners, or member thereof, or the agent or officer of the board duly authorized by it to issue such permits; and such proclamation shall from the time of its publication bind all persons. After the publication of the aforesaid proclamation, it shall be the duty of every person who owns, or who is in charge of animals of the kind diseased within such municipality or geographical district, to report to said board within one week thereafter the number and description of such animals, location, and the name and address of the owner or person in charge, and during the continuance of such quarantine to report

21 to said Board all cases of sickness, deaths or births among such animals. It  
 22 shall also be the duty of all persons within such municipality or geographical  
 23 district so quarantined, receiving, having or purchasing domestic animals of  
 24 the kind diseased, for slaughter, to delay the killing of such animals until a  
 25 veterinary surgeon, with authority from said board, is present to make a post-  
 26 mortem examination of the carcass. Any violation of the aforesaid quarantine  
 27 regulations and prescribed duties shall be visited with like penalties, which  
 28 may be recovered in like manner, as provided in section 6 of this Act: *Pro-*  
 29 *vided*, that nothing contained in this section shall be so construed as to prevent  
 30 the movement of any animal or animals of the kind diseased through such quar-  
 31 antined territory under such regulations as the Board of Live Stock Commis-  
 32 sioners may prescribe and the Governor approve: *And, provided, further,*  
 33 that no animals of the kind diseased within such municipality or geographical  
 34 district, slaughtered by order of said board, shall be taken from such munici-  
 35 pality or geographical district for slaughter.

Sec. 4. Whenever said Board of Live Stock Commissioners shall report  
 2 to the Governor that any communicable disease exists in any other state, terri-  
 3 tory, district, province or country, or in any portion thereof, or in any locality  
 4 therein, or that the condition of any domestic animals coming therefrom into  
 5 this State is such as would render them liable to convey any such disease, he  
 6 may, by proclamation, schedule such state, territory, district, province or  
 7 country, or any portion thereof, or any locality therein, and prohibit the im-  
 8 portation or bringing therefrom into this State of any live stock of the kind  
 9 diseased, or of any live stock that has been exposed to such disease, or whose  
 10 condition would render them liable to convey such disease to other animals,  
 11 or of any carcasses or portions of carcasses, or of any hay, straw, fodder or  
 12 other material capable of conveying infection, except under such regulations as  
 13 may be prescribed by said board and approved by the Governor. Any per-

son, firm, joint stock company or corporation that shall knowingly transport, receive or convey such prohibited stock from the scheduled district into the State of Illinois in violation of any such regulation, or which shall so transport any carcasses, or portions of carcasses, or any hay, straw, fodder or other material capable of conveying infection, which may be prohibited by any rule or regulation of the Board of Live Stock Commissioners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1,000 nor more than \$10,000 for each and every offense, and shall be liable for any and all damages or loss that may be sustained by any person or persons or corporation by reason of such importation or transportation of such prohibited stock, or prohibited materials above mentioned. Such penalty shall be recovered in any county in this State into or through which such stock or material is brought, in any court of competent jurisdiction.

Sec. 5. Nothing contained in this Act, or any section thereof, shall be interpreted so as to prevent the movement or shipment of diseased or exposed animals under the orders of the board created by this Act, from one place to another by said board or its agents, by driving along the public highway or shipment on cars or steamboats, when, in the opinion of said board, such removal is necessary for the suppression of any communicable disease.

Sec. 6. Any person who, knowing that any communicable disease exists among his domestic animals, shall conceal such fact, or knowing of the existence of such disease, shall sell any animal or animals so diseased, or any exposed animal, or knowing the same, shall remove any such diseased or exposed animal from his premises to the premises of another, or knowing of the existence of such disease, or exposure thereto, shall drive or lead, or ship any animal so diseased or exposed, by any car or steamboat, to any place in or out of this State; and any person or persons who shall bring any such diseased,



9 or knowingly, shall bring any such exposed animal or animals into this State  
10 from another state; and any person or persons who shall knowingly buy, re-  
11 ceive, sell, convey, or engage in the traffic of such diseased or exposed stock,  
12 and any person who shall violate any quarantine regulation established under  
13 the provisions of this Act, shall, for each, either, any or all Acts above men-  
14 tioned in this section, be guilty of a misdemeanor, and, on conviction thereof,  
15 or of any one of said Acts, shall be fined in any sum not less than \$25 nor  
16 more than \$200, and be imprisoned in the county jail until the fine and costs  
17 are paid, and shall forfeit all right to any compensation for any animal or  
18 property destroyed under the provisions of this Act.

19 Any veterinary practitioner having information of the existence of any  
20 communicable disease among domestic animals in this State, who shall fail to  
21 promptly report such knowledge to said Board of Live Stock Commissioners.  
22 shall be fined not exceeding \$500, or be imprisoned in the county jail not more  
23 than one year for each offense.

Sec. 7. All fines recovered under the provisions of this Act shall be paid  
2 into the county treasury of the county in which the suit is tried, by the person  
3 collecting the same, in the manner now provided by law, to be used for county  
4 purposes; and it shall be the duty of State's attorneys in their respective  
5 counties to prosecute for all violations of this Act.

Sec. 8. All claims against the State arising from the slaughter of animals  
2 as herein provided for, shall be made to said Board of Live Stock Commission-  
3 ers, under such rules and regulations as they may prescribe, and it shall be the  
4 duty of said board to determine the amount which shall be paid in each case  
5 on account of animals so slaughtered, which, unless otherwise provided by law,  
6 in cases of animals of the bovine species shall be based on the fair cash value  
7 thereof, if in health, for beef, or for dairy purposes, which valuation shall not



8 exceed \$75.00 per head; and in cases of animals of the equine species, shall be  
 9 based on their fair cash market value, if in health, which valuation shall not  
 10 exceed \$100 per head, and report the same to the Governor; and the Governor  
 11 shall endorse thereon his order to the Auditor of Public Accounts, who shall  
 12 thereupon issue his warrant on the State Treasurer for the same.

Sec. 9. Said Board of Live Stock Commissioners, and each member there-  
 2 of, and the State Veterinarian, and his assistants, in the performance of their  
 3 duties under this Act, shall have power to call on sheriffs and their deputies,  
 4 constables and police officers, mayors of cities, city and town marshals and  
 5 policemen, to assist them in carrying out its provisions; and it is hereby made  
 6 the duty of all such officers to assist in carrying out the provisions of this Act  
 7 when ordered so to do; and said commissioners, and the State Veterinarian  
 8 and his assistants shall have, while engaged in carrying out the provisions of  
 9 this Act, the same powers and protection that other peace officers have, and  
 10 any such officer who fails or refuses to enforce the lawful orders and quaran-  
 11 tine of said board, or any member thereof, or any veterinarian acting under  
 12 them, in the proper execution of the powers conferred by this Act, shall be  
 13 guilty of a misdemeanor and be punished as provided in section six of this Act.

Sec. 10. The said Board of Live Stock Commissioners shall co-operate  
 2 with any commissioner or other officer appointed by the United States authori-  
 3 ties for the suppression of contagious and infectious diseases among domestic  
 4 animals, so far as the provisions of this Act and the appropriations made in  
 5 accordance therewith, will allow, in suppressing and preventing the spread of  
 6 contagious and infectious diseases among domestic animals in this State.

Sec. 11. It shall be the duty of said Board of Live Stock Commissioners  
 2 to keep a record of all their Acts and proceedings, and report the same to the

3 Governor annually, or oftener, if required, for publication. The annual re-  
4 port shall include an itemized statement of all moneys expended by them  
5 under this Act, including a statement of all damages recommended by them to  
6 be paid for animals slaughtered, and the amounts paid therefor.

Sec. 12. The members of said board shall receive the sum of \$10.00 per  
2 day for each day necessarily employed in the discharge of their duties, their  
3 necessary traveling expenses and other incidental expenses necessarily incur-  
4 red in the performance of their duties under this Act, to be paid on certified  
5 and itemized vouchers to be approved by the Governor.

6 The State Veterinarian shall receive the sum of \$10.00 per day for his  
7 services under the provisions of this Act, together with his necessary travel-  
8 ing and incidental expenses, to be certified to by the Board of Live Stock Com-  
9 missioners and approved by the Governor.

10 Assistant State veterinarians shall receive for their services the sum of  
11 \$8.00 per day for each day actually employed under the direction and by order  
12 of the State Veterinarian or the Board of Live Stock Commissioners, together  
13 with their necessary traveling and incidental expenses, to be certified to by the  
14 Board of Live Stock Commissioners and approved by the Governor.

- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the creation and management of Forest Preserve Districts  
and repealing a certain Act therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That whenever any area of contiguous territory  
3 contains within its boundaries one or more cities, towns or villages and lies  
4 wholly within one county, such territory may be incorporated as a forest pre-  
5 serve district in the following manner, to-wit:

6 Any one thousand legal voters residing within the limits of such proposed  
7 district may petition the county judge of the county in which such proposed  
8 district lies to cause the question to be submitted to the legal voters of such  
9 proposed district whether or not it shall be organized as a forest preserve  
10 district under this Act. Such petition shall be addressed to the county judge  
11 of the county in which such proposed forest preserve district is situated

and shall contain a definite description of the territory intended to be embraced in such district and the name of such district. Upon the filing of such petition in the office of the clerk of the county court of the county in which such territory is situated, it shall be the duty of such county judge to fix a day and hour for the public consideration thereof, which shall not be less than fifteen days after the filing of such petition and in the event two or more petitions are filed under the provisions of this Act, the public hearing of all said petitions shall be set for the same day and hour. Said county judge shall cause a notice of the time and place of such public consideration to be published three successive days in some newspaper having a general circulation in the territory proposed to be placed in such district, the date of the last publication of such notice shall not be less than five days prior to the time set for such public hearing. At the time and place fixed for such public hearing, said county judge shall sit and hear any person owning property in such proposed district who desires to be heard and shall at such period determine and fix the boundaries of such proposed district as shall to him seem to be for the best interests of all parties concerned. Should two or more petitions be filed under this Act and come on for hearing at the same time said county judge may include part or all of the territory described in each of said petitions in one district and shall fix such name for said district so defined as to him shall seem appropriate: *Provided, however,* that only one forest preserve district may be created in any county. Upon the determination by said county judge of the territory to be embraced in such district and the name to be given thereto, such county judge shall cause to be entered upon the records of the county court of such county an order fixing and defining the boundaries and the name of such proposed district and thereupon he shall order to be submitted to the legal voters of such proposed district at any special or general election held therein the question of the creation of such proposed district. In ordering such election such county judge shall proceed in



the same manner as is provided in the Act governing the organization of cities and villages in unincorporated territory. The returns of such election shall be made to the county judge of such county and shall be canvassed by such county judge, who shall cause a statement of the result of such election to be entered upon the records of the county court of such county and if a majority of the votes cast upon such question is found to be in favor of a creation of such forest preserve district, such forest preserve district shall thenceforth be deemed an organized forest preserve district under this Act.

Sec. 2. All courts shall take judicial notice of all forest preserve districts organized under this Act. The affairs of such district shall be managed by a board of commissioners consisting of a president and four commissioners, all of whom shall be appointed by the president of the board of county commissioners or the chairman of the board of supervisors of the county in which such proposed forest preserve district is situated, by and with the advice and consent of the members of such board. The first appointment shall be made within sixty days after such forest preserve district has been created as provided herein. Each member of such board shall be a legal voter in such district. At the time of the making of the first appointments, the president shall be appointed for a term of four years, two members for a term of two years each and two members for a term of four years each and until their successors are appointed and qualified and at the expiration of the term of the president or any member, his successor shall in like manner be appointed for a term of four years and until his successor is appointed and qualified: *Provided*, that no more than three members of such board shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the constitution.

From the time of the appointment of the first board of commissioners, such forest preserve district shall be construed in law and equity a body cor-

21 porate and politic by the name and style determined by the county judge as  
22 aforesaid and by such name may sue and be sued, contract and be contracted  
23 with, acquire and hold real and personal estate necessary for its corporate  
24 purpose and adopt a seal and alter the same at its pleasure.

Sec. 3. The board of commissioners appointed in pursuance of the pro-  
2 visions of this Act shall be the corporate authority of such forest preserve  
3 district and shall have power to pass and enforce all necessary ordinances,  
4 rules and regulations for the management and conduct of the business and  
5 property of such district. Such board shall have power to appoint a secre-  
6 tary and treasurer and such other officers and such employes as may be nec-  
7 essary, all of whom, except the treasurer, shall be under civil service rules and  
8 regulations, as provided for by section 11 of this Act.

9 The president shall receive a salary not to exceed the sum of twenty-five  
10 hundred dollars per annum and the salary of other members of the board shall  
11 not exceed fifteen hundred dollars per annum. Salaries of the commissioners,  
12 officers and employes shall be fixed by ordinance.

Sec. 4. The board of commissioners shall keep a record of all ordinances  
2 and other proceedings which shall be open to the inspection of any person  
3 residing in such district at all reasonable and proper times. The board of  
4 commissioners shall report annually to the board of county commissioners or  
5 the board of supervisors of the county in which such district is located, the  
6 revenues received, expenditures made, land acquired, with the progress of con-  
7 struction work, the condition of the property and such other matters as may  
8 have been acted upon by the board during the previous year.

Sec. 5. All ordinances imposing any fine or penalty or making any ap-  
2 propriation of money, shall within ten days after their passage, be published  
3 at least once in some newspaper published in such district or having a general

4 circulation therein to be designated by the board of commissioners and no such  
5 ordinance shall take effect until ten days after it is so published. All other  
6 ordinances and all orders or resolutions shall take effect from and after their  
7 passage unless otherwise provided therein. All ordinances, orders and resolu-  
8 tions and the date of publication thereof may be proven by the certificate of  
9 the secretary of such district under the seal of the corporation and when  
10 printed in book or pamphlet form and published by authority of such board  
11 of commissioners, such book or pamphlet shall be received as evidence of the  
12 passage and publication of such ordinances, orders and resolutions as of the  
13 date mentioned in such book or pamphlet in all courts and places without fur-  
14 ther proof.

Sec. 6. The board of commissioners of any such forest preserve district  
2 shall have power to designate by ordinance the whole or any part of any  
3 streets, roads, boulevards or other highways within the limits of such districts  
4 as public driveways to be used for pleasure driving and to improve and main-  
5 tain the same; also to lay out, establish, open, alter, widen, extend, grade, pave  
6 or otherwise improve and maintain such pleasure driveways: *Provided*, that in  
7 all cases where traffic teams are excluded from such pleasure driveways there  
8 shall be a separate roadway for the use of traffic, teams and vehicles along or  
9 parallel to such pleasure driveway, to be kept and maintained at the expense  
10 of such district: *And, provided, further*, no such pleasure driveway shall  
11 fall within the territory embraced within any public park district of any city,  
12 village or incorporated town organized under any law of this State without the  
13 consent of the corporate authorities of such park district, city, village or incor-  
14 porated town. The board of commissioners of such forest preserve district may  
15 by ordinance regulate and control the speed of travel on such pleasure drive-  
16 ways and shall prohibit the use of such driveways for racing or speeding pur-  
17 poses and may exclude therefrom traffic teams and vehicles and may, by ordi-



18 nance, prescribe such fines and penalties for the violation of its ordinances as  
 19 cities and villages are allowed to prescribe for the violation of their ordinances.  
 20 The board of commissioners may lay out, extend, maintain and improve pleas-  
 21 ure driveways under the provisions of any law authorizing local improvements  
 22 by cities or villages now or hereafter in force.

Sec. 7. The board of commissioners of every such district shall have power  
 2 to acquire by gift, grant, devise or purchase or by condemnation, any and all  
 3 grounds and lands necessary for constructing, building, laying out and main-  
 4 taining such pleasure driveways and forest preserves as it may deem proper  
 5 or desirable: *Provided*, no lands thereby acquired shall lie within the limits of  
 6 any public park district, except upon the consent of the corporate authorities  
 7 of such park district. The board of commissioners shall have power to raise  
 8 money by general taxation for the purpose of acquiring, improving and main-  
 9 taining pleasure driveways and forest preserves and power to borrow money  
 10 upon the faith and credit of such district and to issue bonds therefor: *Pro-*  
 11 *vided, however*, such districts shall not become indebted in any manner or for  
 12 any purpose, to an amount including existing indebtedness in the aggregate  
 13 exceeding one per centum of the value of the taxable property therein, as as-  
 14 certained by the last equalized assessment for State and county purposes. Be-  
 15 fore or at the time of issuing any bonds, the board of commissioners shall  
 16 provide, by ordinance, for the collection of an annual tax sufficient to pay the  
 17 interest on such bonds as it falls due, and to pay such bonds as they mature.  
 18 All bonds issued by any forest preserve district shall be divided into series, the  
 19 first of which shall mature not later than five years after the date of issue, and  
 20 the last of which shall mature not later than 20 years after the date of issue.  
 21 All general taxes levied by the board of commissioners of any forest pre-  
 22 serve district, shall be levied at the same time and in the same manner as taxes  
 23 are levied for city and village purposes: *Provided*, that the aggregate amount



24 of taxes levied for any one year, exclusive of the amount levied for the pay-  
25 ment of interest on and principal of bonded indebtedness, shall not exceed the  
26 rate of one mill on each dollar. All moneys collected under the provisions of  
27 this Act shall be paid to the treasurer of such district.

Sec. 8. Whenever any person holding the office of president or com-  
2 missioner of any such district shall, from any cause, cease to be a legal  
3 voter within such district, his office shall thereupon become vacant, and a suc-  
4 cessor shall be appointed for the remainder of his term as other members of  
5 the board of commissioners are appointed.

Sec. 9. Any territory adjoining any forest preserve district organized  
2 hereunder, may become a part of such district in the following manner: Up-  
3 on the filing with the county judge, of the county in which such district is lo-  
4 cated, of a petition signed by not less than ten per cent of the legal voters  
5 residing within the territory proposed to be annexed, such county judge shall  
6 submit at the next general election held in the territory so proposed to be an-  
7 nexed, the question of such annexation, and if a majority of the votes cast  
8 upon such question shall be in favor of such annexation, when such votes are  
9 canvassed in the manner provided for the canvass of the votes upon the crea-  
10 tion of a forest preserve district, such territory so proposed to be annexed  
11 shall become and be a part of such forest preserve district.

Sec. 10. The president of the board of commissioners of any district  
2 organized hereunder, shall preside at all meetings of the board and be the execu-  
3 tive officer of such district; he shall sign all ordinances, resolutions and other  
4 papers necessary to be signed and shall execute all contracts entered into by  
5 such district and perform such other duties as may be prescribed by ordi-  
6 nance; he shall have the right to veto any ordinance: *Provided*, that such veto  
7 shall be filed with the secretary of such board within five days after the pas-

sage of such ordinance and when so vetoed such ordinance shall not be effective unless the same be again passed by the unanimous vote of all the members of such board. The president shall be entitled to vote only in case of a tie; in the temporary absence or inability of the president, the commissioners may elect from their own number a president *pro tem*.

The "yeas" and "nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditure or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

Sec. 11. Whenever the county in which any such forest preserve district is located shall be governed by any law regulating its civil service and the method of selecting its employes, in every such case all employes of such forest preserve district except the treasurer shall be selected in the manner provided by the law regulating the civil service in such county and all such employes shall be subject at all times to the provisions of such Act.

Sec. 12. The board of commissionners shall have power to acquire title to any land abutting on or in the vicinity of such forest preserve district or pleasure driveway, or such easements and rights in or over any such land as may be necessary or appropriate to control the surroundings of such district or pleasure driveway and for such purpose the board of commissioners of such forest preserve district may, by gift, devise, dedication, purchase or condemnation, acquire any lands or easements. In all cases where any such district acquires any land or easements by condemnation, the title thereto shall be in fee simple absolute and such title not terminate or be defeated by cessation or abandonment of the use for which it was acquired. The board of

11 commissioners of any such forest preserve district may, by ordinance passed  
12 by the affirmative vote of all the members of such board, sell and dispose of  
13 any lands acquired by such board: *Provided, however,* that no such sale or  
14 disposal shall be effective until it is approved by the board of county com-  
15 missioners or the board of supervisors of the county in which such district is  
16 located.

Sec .13. The board of commissioners of any forest preserve dis-  
2 trict organized hereunder, shall have power to acquire and hold lands for the  
3 erection and maintenance thereon of public buildings for the use of the general  
4 public for recreation and assembly purposes of a general and not of a religious  
5 character, and to acquire and hold lands surrounding such buildings, or con-  
6 nected therewith, and to manage, control, improve, maintain and beautify such  
7 lands and buildings. Any forest preserve district organized under this Act  
8 shall have power to acquire and hold land for the purpose of protecting and  
9 preserving the flora and fauna and scenic beauties of the State; to protect and  
10 preserve such lands as nearly as may be, in their natural condition for the  
11 purpose of the education, pleasure and recreation of the public; to provide and  
12 maintain all necessary, convenient and appropriate pleasure driveways, paths  
13 and other means of access to such district.

Sec. 14. An Act to provide for the creation of forest preserve districts.  
2 approved May 18, 1905, in force July 1, 1905, is hereby repealed.

Sec. 15. This Act shall be submitted to a vote of the legal voters of any  
2 of the aforesaid districts at any general or special election. The ballots to be  
3 used at said election in voting upon this Act shall be in substantially the fol-  
4 lowing form:

|   |  |  |
|---|--|--|
| For the adoption of an Act to provide for the creation and management of forest preserve districts and repealing a certain Act therein named. |  |  |
|---|--|--|

|   |  |  |
|---|--|--|
| Against the adoption of an Act to provide for the creation and management of forest preserve districts and repealing a certain Act therein named. |  |  |
|---|--|--|

5        If a majority of the legal voters of said districts voting on the question  
6 at such election shall vote in favor of consenting to this Act, the same shall  
7 thereupon take effect and become operative at once.



1<sup>st</sup> Reported from Senate May 13, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act concerning sinking fund.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* In every city, village and incorporated town there  
3 shall be a sinking fund commission composed of the mayor (or president of the  
4 board of trustees), the chairman of the finance committee and the city comp-  
5 troller, or if there be no city comptroller, the clerk of said city, village or in-  
6 corporated town.

Sec. 2. Whenever there shall be in the sinking fund of any city, village or  
2 incorporated town a sum in excess of that required for the payment of the  
3 bonded indebtedness of such city, village or incorporated town maturing in that,  
4 or the succeeding fiscal year, and the interest due in that period, the sinking  
5 fund commission may use such excess in the purchase of the outstanding bonds  
6 for the payment of which, at maturity, such sinking fund was or shall be cre-

7 ated, paying therefor no more than the market price. When any such bond is  
8 so purchased, it shall be cancelled, and thereafter no taxes for the payment of  
9 such bonds or the interest thereon shall be levied. No further appropriation  
10 by such city, village or incorporated town shall be required for the application  
11 of money in such sinking fund to the payment of such bonds than is made  
12 hereby.

**AMENDMENT TO**

**46th Assem.    Senate Bill No. 359 in House    May 1909**

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Adopted May 27, 1909.

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**AMENDMENT NO. 1.**

Amend Senate Bill No. 359 in the House by inserting after section 2 of said bill the following, as section 3 of said bill:

Sec. 3. WHEREAS, An emergency exists, this Act shall take effect and be in force from and after its passage.





- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to create a State Board of Education and to define its powers and  
duties.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a State Board of Education consisting of  
3 twelve members is hereby authorized, to be constituted as hereinafter de-  
4 scribed.

Sec. 2. Such board shall consist of the Superintendent of Public Instruc-  
2 tion, who shall be *ex officio* chairman thereof, and the representatives of each of  
3 the following school interests, to be selected by the Governor of the State, by  
4 and with the approval of the Senate: The University of Illinois, the State Nor-  
5 mal School, the non-State colleges and universities, the city superintendency,  
6 the county superintendency, the public high schools, the non State high schools,  
7 the State elementary schools and the non-State elementary schools, and two

8 eminent citizens of the State not directly engaged in educational work: *Pro-*  
 9 *vided, however,* that not more than seven members of said board shall be of the  
 10 same political party.

Sec. 3. On or before the second Monday of January next after their ap-  
 2 pointment the appointive members shall cast lots for their respective terms  
 3 of office for two, four, six and eight years; and biennially thereafter the Gov-  
 4 ernor, by and with the approval of the Senate, shall appoint successors to the  
 5 members whose terms of office then expire, which successors shall serve for  
 6 a term of eight years. In case of a vacancy, the Governor may appoint a  
 7 member to serve for the unexpired term.

Sec. 4. Such board shall have the power and it shall be its duty:

2 1. To make general rules for the supervision and inspection of the  
 3 public schools of the State required by law.

4 2. To provide suggestive courses of study for rural, elementary and high  
 5 schools.

6 3. To prepare and distribute among school and municipal officers sug-  
 7 gestive plans and specifications for the construction and equipment of school  
 8 buildings.

9 4. To fix the time of examinations of applicants for State and county  
 10 teachers' certificates, to prepare all questions for such examinations, to grade  
 11 all examination papers, and to fix the standard for passing; to prescribe rules  
 12 for the recognition of certificates from other states, and to prescribe all rules  
 13 and regulations necessary to carry into effect the provisions of the law in re-  
 14 gard to the certification of teachers.

15 5. To propose and recommend to school officers plans for organizing and  
 16 conducting teachers' institutes.

17       6. In co-operation with the State Board of Health, to prescribe rules and  
18 regulations for the sanitary inspection of school buildings, and for promoting  
19 the physical welfare of pupils and teachers in the public schools.

Sec. 5. The Superintendent of Public Instruction, with the advice and con-  
2 sent of the State Board of Education, shall make such appointments as may  
3 be necessary to render effectual the rules and regulations of the board.

Sec. 6. The members of the State Board of Education shall receive no  
2 compensation for their services. The incidental expenses of the board and the  
3 necessary traveling and other incidental expenses of its members, incurred in  
4 the performance of their official duties, shall be paid from the State treasury  
5 from any funds not otherwise appropriated upon the presentation of an item-  
6 ized and verified statement of such expenses. approved by the Governor.





- 1   Reported from Senate May 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 1 of an Act entitled “An Act in regard to mills and millers, and dams for mills and other machinery and navigation,” approved March 2, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 1 of an Act entitled “An Act in regard  
3 to mills and millers, and dams for mills and other machinery and navigation,”  
4 approved March 2, 1872, in force July 1, 1872, be and is hereby amended so  
5 as to read as follows: That when any person or persons owning land on one  
6 or both sides of any stream, or water course, any part of the bed of which be-  
7 longs to such person or persons, shall desire to build or repair any public  
8 grist mill, saw mill, or other public mill or machinery, or machinery for the crea-  
9 tion and development of power or energy for public purposes, or to erect, re-

10 pair or increase in height any dam across such stream or water course, to sup-  
 11 ply water for any such mill or machinery, or machinery for the creation and  
 12 development of power or energy for public purposes, or to improve the naviga-  
 13 tion of any such stream or water course for the use of such mill or machinery,  
 14 or machinery for the creation and development of power or energy for public  
 15 purposes, and it shall be necessary to take or injure private property without  
 16 the owner's consent, and the compensation therefor can not be agreed upon by  
 17 the parties interested, it shall be lawful for the person or persons desiring to  
 18 build or repair such mill or machinery, or machinery for the creation and  
 19 development of power or energy for public purposes, or to erect, repair or in-  
 20 crease the height of any such dam, to cause the damage or compensation to be  
 21 paid to the owner or other persons interested in the property to be taken or in-  
 22 jured, to be ascertained in the manner provided by law for the taking or dam-  
 23 aging of private property for public use: *Provided*, that no such dam shall be  
 24 erected or increased in height, or maintained, when the health of a neighbor-  
 25 hood will be injuriously affected thereby: *Provided*, that no dam shall be erected  
 26 or increased in height until at least sixty (60) days' notice of the intention of  
 27 the parties (so desiring to erect or increase in height any such dam) to apply  
 28 for a jury to assess damages shall have been given in at least one newspaper  
 29 published nearest the proposed dam, and personal notices to all persons inter-  
 30 ested, if their place of residence is known: *Provided*, that the provisions of  
 31 this Act shall not apply to any stream or streams in which the State of Illinois  
 32 may claim rights by virtue of "An Act recognizing the Desplaines and Illinois  
 33 rivers as navigable streams, and to prevent obstructions being placed therein,  
 34 and remove obstructions therein now existing," approved and in force Decem-  
 35 ber 6, 1907, or by virtue of an amendment to the constitution of 1870, submitted  
 36 to a vote of the people of the State of Illinois by Senate Joint Resolution No.  
 37 26, and adopted by the Senate October 16, 1907, and concurred in by the House

38 of Representatives on October 16, 1907, and adopted by a vote of the people of  
39 the State of Illinois at the general election held on the third day of November,  
40 1908.





- 1   Reported from Senate, April 27, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act relating to private employment agencies and to repeal parts of a certain  
Act relating thereto.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no person shall open, keep or carry on any  
3 employment agency in the State of Illinois unless every such person shall pro-  
4 cure a license therefor from the State Board of Commissioners of Labor. Any  
5 person who shall open or conduct any such agency without first procuring such  
6 license shall be guilty of a misdemeanor and shall be punishable by a fine of  
7 not less than fifty dollars (\$50) and not exceeding two hundred and fifty dol-  
8 lars (\$250), or on failure to pay such fine, by imprisonment for a period not  
9 exceeding six months, or both, at the discretion of the court. Such license  
10 shall be granted upon the payment to said State Board of Commissioners of

11 Labor, annually, of a fee of fifty dollars (\$50) in cities of fifty thousand  
12 (50,000) population and over, and a fee of twenty-five dollars (\$25) annu-  
13 ally, in all cities containing less than fifty thousand (50,000) population.

14 Every license shall contain the name of the person licensed, a designation  
15 of the city, street and number of the house in which the person licensed is  
16 authorized to carry on the said employment agency, and the number and date  
17 of such license. Such license shall not be valid to protect any place other than  
18 that designated in the license unless consent is first obtained from the State  
19 Board of Commissioners of Labor, or the chief inspector of employment agen-  
20 cies and until the written consent of the surety or sureties on the bond re-  
21 quired to be filed by section 2 of this Act to such transfer, be filed with the  
22 original bond. No such agency shall be located on premises where intoxicat-  
23 ing liquors are sold, excepting cafes and restaurants in office buildings. The  
24 application for such license shall be filed with the State Board of Commission-  
25 ers of Labor not less than one week prior to the granting of said license and  
26 the State Board of Labor Commissioners shall act upon such application with-  
27 in thirty (30) days from the time of application. Such application shall be  
28 accompanied by the affidavits of two persons who have known the applicant or  
29 the chief officer thereof, if a corporation, for two years, stating that the said  
30 applicant is a person of good moral character. The license shall run for one  
31 year from the date thereof and no longer, unless sooner revoked by the State  
32 Board of Commissioners of Labor. Such application shall be posted in the of-  
33 fice of the State Board of Commissioners of Labor or in the office of the Chief  
34 Inspector of Private Employment Agencies, from the date of filing thereof.  
35 and until such application is acted upon; and before any license shall be  
36 granted, notice of such application shall be published on three (3) distinct  
37 days by the State Board of Labor Commissioners in some daily newspaper of  
38 general circulation throughout the county within which the applicant desires  
39 to locate such agency.

Sec. 2. BOND.] The State Board of Commissioners of Labor shall re-

quire such person to file with his application for a license a bond in due form to the People of the State of Illinois, for the penal sum of five hundred dollars (\$500), with one or more sureties, to be approved by the said State Board of Commissioners of Labor, and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this Act. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee thereof shall be entitled to the same remedies upon the bond of such licensed person, or otherwise, as the person aggrieved would have been entitled to, if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist.

Sec. 3. REGISTER—REFERENCES—AGENTS.] It shall be the duty of every such

licensed person to keep a register, in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment and amount of the fee received. Such licensed person shall also enter, in a separate register, in the English language, the name and address of every accepted applicant for help, the date of such application, the kind of help requested, the name of the persons sent, with the designation of the one employed, the amount of the fee received and the rates of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the State Board of Commissioners of Labor, their duly qualified agents, and the officers created by this Act.

14 No such licensed person, or his employer, shall knowingly make any false  
 15 entries in such register. It shall be the duty of such licensed persons who  
 16 employ agents or solicitors to provide each of the said employes with a suitable  
 17 badge, containing said licensed person's name, and address of such agency and  
 18 number of such license, and shall file with the State Board of Commissioners  
 19 of Labor the name of each such employe.

Sec. 4. FEES—RECEIPTS.] A registration fee not to exceed two dollars  
 2 (\$2) may be charged by such licensed agency when such agency shall be at  
 3 actual expense in advertising such individual applicant, or in looking up the  
 4 references of said applicant. In all such cases a complete record of such ref-  
 5 erences shall be kept on file, which record shall, during all business hours, be  
 6 open for the inspection of the said State Board of Commissioners of Labor,  
 7 the chief inspector of employment agencies or his assistants. For such reg-  
 8 istration fee a receipt shall be given to said applicant for help or employ-  
 9 ment, giving name of such applicant, date of payment and character of posi-  
 10 tion or help applied for. Said registration fee shall be returned to said ap-  
 11 plicants on demand, after thirty (30) days and within sixty (60) days from  
 12 date of the receipt, less the amount that has been actually expended by said  
 13 licensed agency for said applicant, and an itemized account of such expendi-  
 14 tures shall be presented to said applicant on request at the time of returning  
 15 the unused portion of such registration fee, provided no position has been fur-  
 16 nished by said licensed agency to said applicant.

17 No licensed person or persons shall, as a condition to registering or ob-  
 18 taining employment for such applicant, require such applicant to subscribe to  
 19 any publication or exact any other fees, compensation or reward, other than the  
 20 registration fee aforesaid, and a further fee, the amount of which shall be  
 21 agreed upon between such applicant and such licensed person, to be payable at  
 22 such time as may be agreed upon in writing, but the further fee aforesaid shall



23 not be received by such licensed person before the applicant has been tendered  
24 a position by said licensed person. In the event the position so tendered is not  
25 accepted by or given such applicant, said licensed person shall refund all fees  
26 requested by said applicant, other than the registration fees aforesaid within  
27 three (3) days after demand is made therefor. No such licensed person shall  
28 send out any applicant for employment without having obtained a *bona fide*  
29 order therefor, and if it shall appear that no employment of the kind applied  
30 for existed at the place where said applicant was directed, said licensed party  
31 shall refund to such applicant within five (5) days after demand, any sum paid  
32 by said applicant for transportation in going to and returning from said place  
33 and all fees paid by said applicant.

34 In addition to the receipt herein provided to be given for registration  
35 fees, it shall be the duty of such licensed person to give, to every applicant  
36 for employment from whom other fee or fees shall be received, an additional  
37 receipt, in which shall be stated the name of such applicant, the date and  
38 amount of such other fees; and to every applicant for help from whom other  
39 fee or fees shall be received, an additional receipt, stating the name and ad-  
40 dress of said applicant, the date and amount of such other fee or fees, and the  
41 kind of help to be provided. All receipts shall have printed on the back there-  
42 of, in the English language, the name and address of the State Board of Com-  
43 missioners of Labor and the Chief Inspector of Employment Agencies.

44 Every such licensed person shall give to every applicant for employment,  
45 a card or printed paper containing the name of the applicant, the name and ad-  
46 dress of such employment agency, and the written name and address of the  
47 person to whom the applicant is sent for employment. If an employe furnished  
48 fails to remain one week in a situation, through no fault of the employer, a  
49 new employe shall be furnished to the applicant for help, if he so elects, or  
50 three-fifths (3-5) of all fees paid returned within four (4) days after demand:

51 *Provided*, said applicant for help notifies said licensed person within three (3)  
 52 days of the failure of the applicant to accept the position or the applicant's  
 53 discharge for cause. If the employe is discharged within one week without  
 54 said employe's fault, another position shall be furnished, or three-fifths (3-5)  
 55 of all fees paid returned to the applicant for employment.

56 Every such person shall post in a conspicuous place in each room of such  
 57 agency, sections three (3), four (4) and five (5) of this Act, which shall be  
 58 printed in languages which persons commonly doing business with such agency  
 59 can understand. Such printed matter shall also contain the name and address  
 60 of the State Board of Labor Commissioners and the Chief Inspector of Em-  
 61 ployment Agencies, and shall be furnished by the State Board of Labor Com-  
 62 missioners.

Sec. 5. EMPLOYMENT CONTRACT.] No such licensed person shall solicit or  
 2 receive any fees, compensation or reward from any employer, in payment for  
 3 such person's refusal to register or obtain employment for any applicant for  
 4 employment. Whenever such licensed person, or any other acting for him,  
 5 agrees to send one or more persons to work as contract or railroad laborers,  
 6 in any place outside the city in which such agency is located, the said licensed  
 7 person shall give each of such laborers, in a language with which such labor-  
 8 ers are familiar, a statement concerning the following items: Name and ad-  
 9 dress of the employer, name and nature of the work to be performed, wages  
 10 offered, destination of the person employed, terms of transportation and prob-  
 11 able duration of employment; and a duplicate of such statement shall be kept  
 12 on file in the office of the licensed person sending out such laborers.

Sec. 6. CHARACTER OF EMPLOYMENT—FRAUD.] No such licensed person shall  
 2 send, or cause to be sent, any female help or servants, or inmate or performer.  
 3 to enter any questionable place or place of bad repute, house of ill fame, or

4 assignation house, or to any house or place of amusement kept for immoral  
5 purposes, or place resorted to for the purpose of prostitution, or gambling  
6 house, the character of which such licensed person knows, either actually or by  
7 reputation.

8 No such licensed person shall knowingly permit questionable characters,  
9 prostitutes, gamblers, intoxicated persons, or procurers to frequent such  
10 agency. No such licensed person shall accept any application for employment  
11 made by or on behalf of any child, or shall place or assist in placing any such  
12 child in any employment whatever, in violation of the child labor law, approved  
13 May 15, 1903, and in force July 1, 1903, and an Act to regulate the employment  
14 of children, approved June 9, 1897, and in force July 1, 1897. For the viola-  
15 tion of any of the provisions of this section, the penalty shall be a fine of not  
16 less than fifty dollars (\$50) and not more than two hundred dollars (\$200),  
17 or imprisonment in the county jail or house of correction for a period of not  
18 more than one year, or both, at the discretion of the court, in addition to  
19 the revocation of such person's license. No such licensed person shall pub-  
20 lish or cause to be published any fraudulent notice or advertisements of such  
21 employment agencies by means of cards, circulars or signs, and in newspapers  
22 and other publications; and all of its letter heads, receipts and blanks shall  
23 contain the name and address of such employment agency, and shall state  
24 in all such notices the fact that such licensed person is or conducts an em-  
25 ployment agency. No agency shall print, publish or paint on any sign, window,  
26 or insert in any newspaper or publication a name similar to that of the Illinois  
27 Free Employment Office. All written communications sent out by such licensed  
28 person, directly or indirectly, to any person in regard to help or employment, shall  
29 have contained therein definite information, that such person is an employ-  
30 ment agent; and no such licensed person shall knowingly give any false  
31 information or make any false promise concerning employment to any appli-  
32 cant who shall register for employment or help. No such licensed agent shall



33 divide fees with or pay a commission to any person to whom applicants are  
34 sent for employment or help.

Sec. 7. DEFINITIONS.] Any person, firm or corporation, who for hire or  
2 with a view to profit, shall undertake to secure employment or help, or through  
3 the medium of card, circular, pamphlet or any medium whatsoever, or through  
4 the display of a sign or bulletin, offer to secure employment or help, or give  
5 information as to where employment or help may be secured, shall be deemed  
6 a private employment agency and be subject to the provisions of this Act,  
7 provided that charitable institutions are not included. The term fee, as used  
8 in this Act, means money or a promise to pay money. The term fee also  
9 means and includes the excess of money received by any such licensed person  
10 over what he has paid for transportation, transfer of baggage, or lodging for  
11 any applicant for employment. The term fee, as used in this Act, also means  
12 and includes the difference between the amount of money received by any  
13 person who furnishes employes or performers for any entertainment, exhibi-  
14 tion or performance, and the amount paid by the said person to the employes  
15 or performers whom he hires to give such entertainments, exhibition or per-  
16 formance. The term privilege, as used in this Act, means and includes the  
17 furnishing of food, supplies, tools or shelter to contract laborers, commonly  
18 known as commissary privileges.

Sec. 8. ENFORCEMENT.] The enforcement of this Act shall be entrusted to  
2 the State Board of Commissioners of Labor, and an officer to be known as the  
3 Chief Inspector of Private Employment Agencies, which officer shall be recom-  
4 mended by the State Board of Commissioners of Labor and appointed by the  
5 Governor of the State and whose term of office shall be for the period of the in-  
6 cumbency of the Governor appointing him, or until his successor is appointed.  
7 He may appoint by and with the approval of the Governor one (1) inspector



8 for every fifty (50) licensed agencies or major fraction thereof, who shall  
9 make at least bi-monthly visits to every such agency. Said inspectors shall have  
10 a suitable badge which they shall exhibit on demand of any person with whom  
11 they may have official business. Such inspectors shall see that all the provisions  
12 of this Act are complied with, and shall have no other occupation or business.  
13 Complaints against any such licensed person may be made orally or in writing  
14 to the State Board of Labor Commissioners or to the Chief Inspector of Private  
15 Employment Agencies, and reasonable notice thereof, not less than one (1) day,  
16 shall be given in writing to said licensed person by serving upon him concise  
17 statement of the facts constituting the complaint, and the hearing shall be had  
18 before the State Board of Labor Commissioners or the Chief Inspector of  
19 Private Employment Agencies as the State board aforesaid, shall designate,  
20 within one week from the date of the filing of the complaint and no adjourn-  
21 ment shall be taken for a period longer than one (1) week. Reasonable notice  
22 of the place of hearing of any complaint shall be given to such licensed per-  
23 son complained against. A calendar of all hearings shall be kept by the State  
24 Board of Labor Commissioners of the complaints they are to hear, and by the  
25 chief inspector of those he is to hear, and shall be posted in a conspicuous  
26 place in its or his public office for at least one (1) day before the date of such  
27 hearing. The result of such hearings shall be rendered within eight (8) days  
28 from the time the matter is finally submitted. The said State Board of Com-  
29 missioners of Labor may refuse to issue and may revoke any license for any  
30 good cause shown within the meaning and purpose of this Act, and when it is  
31 shown to the satisfaction of the said Board of Commissioners of Labor that  
32 any person is guilty of any immoral, fraudulent or illegal conduct in connection  
33 with the conduct of said business, it shall be the duty of said State Board of  
34 Commissioners of Labor to revoke the license of such person, but notice of such  
35 charges shall be presented and reasonable opportunity shall be given said li

36 censed person to defend himself in the manner and form heretofore provided  
37 in this section of the Act. Whenever said Board of Commissioners of Labor  
38 shall refuse to issue or shall revoke the license of any such employment agency,  
39 said determination shall be subject to review on writ of certiorari. Whenever  
40 for any cause such license is revoked said revocation shall not take place until  
41 seven (7) days after such revocation is officially announced, and such revocation  
42 shall be considered good cause for refusing to issue another license to said per-  
43 son or his representative, or to any person with whom he is to be associated in  
44 the business of furnishing employment or help. The violation of any provision  
45 of this Act except as provided in section one (1) and six (6), shall be punishable  
46 by a fine not to exceed twenty-five dollars (\$25), and any city magistrate, judge  
47 of a municipal court, police court, justice of the peace or any inferior magis-  
48 trate having original jurisdiction in criminal cases, shall have power to impose  
49 said fine, and in default of payment thereof to commit to the county jail or house  
50 of correction the person so offending for a period not exceeding thirty (30)  
51 days. The said State Board of Labor Commissioners or the Chief Inspector  
52 of Employment Agencies or any of the inspectors created by this Act,  
53 may institute criminal proceedings for its enforcement before any court of com-  
54 petent jurisdiction. The State Board of Commissioners of Labor shall employ  
55 legal advice or services whenever in its opinion such advice or services are  
56 necessary in or to the enforcement of this Act.

Sec. 9. POWER.] The Chief Inspector of Private Employment Agencies  
2 and all the inspectors created by this Act shall have full power to execute and  
3 serve all warrants and process of law issued by any justice of the peace or po-  
4 lice magistrate, or by any court having jurisdiction under the law relating to  
5 employment agencies in the same manner as any constable or police officer, may  
6 serve and execute such processes, or may arrest on view and without warrant,  
7 any unlicensed person detected by them actually violating any of the provisions

8 of this Act and may take such person so offending before any court having  
9 jurisdiction of the offense, and make proper complaint before such court,  
10 which shall proceed with the case in the manner and form provided by law.

Sec. 10. SALARIES.] Such Chief Inspector of Private Employment Agen-  
2 cies shall receive a salary of three thousand and six hundred dollars (\$3,600)  
3 per annum, such salary to be paid monthly, from the license fees or fines col-  
4 lected under the provisions of this Act, upon voucher therefor filed with the  
5 Auditor of Public Accounts and approved by the Governor. Said chief in-  
6 spector shall furnish a bond payable to the State of Illinois, in the sum of five  
7 thousand dollars (\$5,000) said bond to be approved by the Governor and filed  
8 with the Secretary of State. He shall also be allowed the necessary printing,  
9 stationery and postage, and shall also be furnished a suitable room or rooms  
10 and necessary office furniture, and assistants such as a clerk and stenographer,  
11 as the office requires, the same to be paid from the said fund collected under this  
12 Act. The other inspectors provided for in this Act shall receives a salary of  
13 fifteen hundred dollars (\$1,500) per annum, payable monthly, such salary to be  
14 audited and paid from the said license fee fund, and upon the certificates of the  
15 Chief Inspector of Private Employment Agencies that such services have been  
16 actually rendered under his direction, provided that should the license fee fund  
17 become exhausted during the year, the State Board of Commissioners of Labor  
18 shall have the power and authority with the approval of the Governor, to sus-  
19 pend any member or all of such inspectors until such fund is again replenished.  
20 Any expense incurred in obtaining legal advice or services as provided in sec-  
21 tion 8 of this Act, shall be paid from the said license fee fund collected as herein  
22 provided. The said State Board of Commissioners of Labor shall at the end of  
23 each fiscal year, make an account of said license fee fund and pay into the State  
24 treasury whatever balance shall remain after having paid the necessary dis-  
25 bursements for the purpose of enforcing the provisions of this Act.

Sec. 11. CONSTRUCTIONS.] Should one or more of the provisions of this  
2 Act be held invalid, such invalidity shall in no manner affect any of the valid  
3 provisions hereof.

Sec. 12. Sections 9, 10 and 11 of an Act relating to employment offices  
2 and agencies approved May 11, 1903, and all Acts and parts of Acts inconsist-  
3 ent herewith are hereby repealed.



- 1   Reported from Senate April 9, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act authorizing and empowering fraternal beneficiary societies now organized and existing, or hereafter organized, under and by virtue of the laws of the State of Illinois, or any such society organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to create, maintain and operate for the benefit of its sick, disabled or distressed members and their families and dependents, hospitals, asylums and sanitariums.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That it shall be lawful for any fraternal benefi-  
3 ciary society now organized and existing or hereafter organized under and by  
4 virtue of the laws of the State of Illinois, or any such society organized and  
5 existing under and by virtue of the laws of any other state, province or terri-  
6 tory, and now or hereafter admitted to do business within this State, to create,

7 maintain and operate for the benefit of its sick, disabled or distressed mem-  
8 bers and their families and dependents, out of its general or expense fund, and  
9 from any voluntary contributions it may receive therefor, hospitals, asylums  
10 or sanitariums, and for such purpose any such society may own, hold or lease  
11 personal property and real property located within or without this State, with  
12 necessary buildings thereon: *Provided*, that the amount of the general and ex-  
13 pense fund to be expended, as herein provided, shall not exceed such amounts  
14 as shall have been or shall be, from time to time, authorized by the legislative  
15 or supreme governing body of such society, and in no event to exceed a sum  
16 equal to twenty cents (20 cents) per year per member in good standing in  
17 any such society, on January 1st of such year: *Provided, further*, that main-  
18 tenance, treatment and proper attendance in any such hospital, asylum or sani-  
19 tarium may be furnished free, or a reasonable charge may be made therefor,  
20 but no such hospital, asylum or sanitarium shall be operated for profit: *Pro-*  
21 *vided, further*, that no part of the cost or expense of creating, maintaining or  
22 operating any such hospital, asylum or sanitarium shall be defrayed or paid  
23 out of the mortuary, sick, disability or benefit funds of any such society: *And,*  
24 *provided, further*, that any fraternal beneficiary society which shall maintain  
25 and operate any such hospitals, asylums or sanitariums under the provisions  
26 of this Act shall not be subject to, or in any way restricted by, the provisions  
27 of an Act entitled, "An Act empowering fraternal beneficiary societies organ-  
28 ized and existing under and by virtue of the laws of the State of Illinois, to  
29 create, maintain and operate as a part of their organization, a department for  
30 the purpose of providing and furnishing to their sick, disabled and distressed  
31 members and their families, free medical, home, sanitarium and hospital serv-  
32 ice and treatment, and other material aid and assistance, and to create, main-  
33 tain and disburse for such purposes, a trust fund to be raised by and from  
34 voluntary contributions, and declaring such departments to be charitable insti-

35 tutions, and competent as such to be named, and to take, as beneficiary by  
36 its members in certain cases." approved May 20, 1907, in force July 1, 1907.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take effect  
2 from and after its passage.





- 1    Reported from Senate, May 13, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 19 of "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; and as amended by an Act approved March 28, 1874, in force July 1, 1874; as amended by an Act approved May 16, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section nineteen of "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, and as amended by an Act approved March 28, 1874, in force July 1, 1874; as amended by an Act approved May 16, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

8       Sec. 19. The fees of sheriffs in counties of the first and second class  
9 shall be as follows:

10       For serving a writ or summons on each defendant, in counties of the first  
11 class, seventy-five cents; in counties of the second class, sixty-five cents.

12       For serving chancery summons and copy, or writ of injunction and copy,  
13 in counties of the first class, one dollar; second class, seventy-five cents.

14       For taking special bail, twenty-five cents in each county.

15       For serving a subpœna on each witness, in counties of first class, fifty  
16 cents; second class, thirty-five cents.

17       For advertising property for sale, seventy-five cents.

18       For returning each writ or other process, ten cents. Mileage for each  
19 mile of necessary travel to serve any such writ or process as aforesaid, calcu-  
20 lating from the place of holding the court to the place of residence of the de-  
21 fendant or witness, five cents each way.

22       For summoning each juror, in counties of first class, fifty cents; second  
23 class, thirty cents, with five cents mileage each way in all counties.

24       For serving notice of executions, or levying an execution or serving an  
25 attachment, in counties of first class, seventy-five cents; in second class, sixty-  
26 five cents, and mileage five cents each way in all counties.

27       For taking possession of and removing property levied on, the officer  
28 shall be allowed to tax the actual costs of such possession or removal.

29       For serving and returning a *scire facias* to revive a judgment, foreclose  
30 a mortgage, or against bail, in counties of first class, seventy-five cents; in sec-  
31 ond class, sixty-five cents.

32       For committing each prisoner to jail, in counties of first class, fifty cents;  
33 second class, fifty cents.

34       For discharging each prisoner from jail, in counties of first and second  
35 class, fifty cents.

36 For dieting each prisoner, such compensation to cover the actual costs as  
37 may be fixed by the county board, but such compensation shall not be con-  
38 sidered a part of the fees of the office.

39 For attending before a judge with a prisoner, on a writ of *habeas corpus*,  
40 in counties of first and second class, two dollars and fifty cents per day.

41 For each mile of travel necessary in taking such prisoner before the judge  
42 as aforesaid, five cents each way.

43 For serving a writ of possession, with the aid of *posse comitatus*, two  
44 dollars.

45 For serving same, without such aid, one dollar; mileage in either case for  
46 each mile of necessary travel, five cents each way.

47 For executing a writ of *ad quod damnum*, attending the inquest and re-  
48 turning the writ with the verdict of the jury, two dollars.

49 For attending the circuit and county courts, and for attending the county  
50 court sitting for probate business at request of the judge, the time to be cer-  
51 tified by the judge, not more than four dollars per day, to be allowed and paid  
52 out of the county treasury.

53 For executing and acknowledging a deed on sale of real estate, in counties  
54 of first class, one dollar and fifty cents; second class, one dollar and twenty-  
55 five cents.

56 For making certificate of sale, and making filing duplicate, in counties of  
57 first class, for each, sixty cents; second class, fifty cents.

58 For making certificate of redemption, seventy-five cents.

59 For certificate of levy and filing, fifty cents, and the fee for recording  
60 shall be advanced by plaintiff in execution and charged up as cost.

61 For taking all bonds on legal process, in counties of first class, seventy-  
62 five cents; second class, sixty-five cents.

63 For executing *capias* in criminal cause, where the offense is infamous,  
64 three dollars, and mileage for each mile of necessary travel, five cents each  
65 way.

66 For executing *capias* where offense is not infamous, in counties of first  
67 class, seventy-five cents; second class, sixty-five cents. Mileage for each mile  
68 of necessary travel, five cents each way.

69 For executing requisitions from other states, the same compensation as in  
70 executing *capias* in criminal causes, when the offense is infamous.

71 For conveying each prisoner from his own county to the jail of a foreign  
72 county per mile, for going, only, twenty-five cents.

73 For committing each prisoner to jail under the laws of the United States,  
74 to be paid by the marshal or other person requiring his confinement, fifty cents  
75 in all counties.

76 For dieting such prisoner, per day, in counties of first class, seventy-  
77 five cents; in second class, sixty-five cents. to be paid by the marshal or other  
78 person requiring his confinement.

79 For discharging such prisoners, in counties of first and second class, fifty  
80 cents.

81 For carrying convicts to the penitentiary or reform school, from any  
82 county, the following fees, payable out of the State treasury, viz: Where only  
83 one convict is conveyed at and after the rate of twenty-five cents for each and  
84 every mile necessarily traveled in going to the penitentiary or the reform  
85 school from the place of conviction. Where two convicts are conveyed by said  
86 sheriff at the same time, he shall receive at and after the rate of twenty-five  
87 cents per mile for first, and fifteen cents per mile for the second convict. Where  
88 more than two are conveyed at the same time to the penitentiary or reform  
89 school as aforesaid, he shall be allowed twenty-five cents per mile for the first,  
90 fifteen cents per mile for the second, and ten cents per mile for each of the  
91 residue.



92 For conveying any person to or from any of the charitable institutions  
 93 of the State, when properly committed by some competent authority, twenty-  
 94 five cents per mile.

95 For conveying a convict from the penitentiary to the county jail when re-  
 96 quired by law, thirty cents per mile.

97 For attending supreme court, three dollars per day.

98 In addition to the above fees, there shall be allowed to the sheriffs in the  
 99 counties of the first and second class, a commission of 3 per centum on all  
 100 sales of real and personal estate, which shall be made by virtue of any exe-  
 101 cution or any decree of a court of chancery, where the money arising from  
 102 such sales shall not exceed two hundred dollars; but in all cases where the  
 103 amounts of such sale shall exceed that sum, one and one-half per cent commis-  
 104 sion on the excess shall be allowed: *Provided*, that in all cases where the exe-  
 105 cution shall be settled by the parties, replevied, stopped by injunction or paid,  
 106 or where the property levied upon shall not be actually sold, the sheriff shall be  
 107 allowed his fee for levying and mileage, together with half the commission on  
 108 all money collected by him which he would be entitled to if the same was made  
 109 by the sale on execution; and no other fees or compensation whatever shall  
 110 be allowed on any execution, except the necessary expenses for keeping per-  
 111 sonal property, to be ascertained and allowed by the court out of which the  
 112 same shall be issued. In all criminal cases where the defendant shall be ac-  
 113 quitted or otherwise legally discharged, without payment of cost, the sheriff  
 114 shall be paid such fees from the county treasury: *Provided*, that no such  
 115 fees shall be paid to the sheriff from the county treasury when the fees col-  
 116 lected by him during such year shall equal the compensation or salary al-  
 117 lowed him: *And, provided, further*, that no more of such fees shall in any  
 118 case be paid from the county treasury than shall be sufficient, with the fees  
 119 collected, to make the salary or compensation of said sheriff. In all cases

120 where any of the sheriffs of this State shall be required by law to execute  
121 any sentence of punishment other than imprisonment, for which no fee is al-  
122 lowed by this Act, it shall be the duty of the county board of the proper county  
123 to allow a reasonable compensation for the same, to be paid out of the county  
124 treasury, not exceeding one hundred dollars. It shall be the duty of each  
125 sheriff entitled to mileage under this Act, to endorse on each writ, summons,  
126 subpoena or other process what he may execute the distance he may travel  
127 to execute the same, ascertaining the distance and the charge properly allow-  
128 able therefor, in conformity with the foregoing regulations.

1 Reported from Senate, May 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section one of an Act entitled, "An Act relating to nurses, and providing for their registration," approved May 2, 1907, in force July 1, 1907.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section one of an Act entitled, "An Act re-  
3 lating to nurses and providing for their registration," approved May 2, 1907,  
4 in force July 1, 1907, be and the same is hereby amended to read as  
5 follows:

6 Sec. 1. A board, to consist of seven (7) graduate nurses, and to be known as  
7 the State Board of Examiners of Registered Nurses, is hereby created, whose  
8 duty it shall be to carry out the purposes and enforce the provisions of this  
9 Act. The members of the board shall be appointed by the Governor. At the  
10 time of their appointment they must be actual residents of the State. They

11 shall be selected from nurses engaged in active work who shall have been  
12 graduated for at least a period of five years from a reputable training school  
13 and who, during their course of training, shall have served for two (2) years  
14 in a general hospital, and who (except those appointed as the first members  
15 of the board) shall have been registered under the provisions of this Act.  
16 Three (3) members of the board shall be selected from nurses who have had  
17 at least two (2) year's experience in educational work among nurses. The  
18 members of the board shall be appointed to hold office as follows: One (1)  
19 for one (1) year, two (2) for two (2) years; two (2) for three (3) years,  
20 from July 1, 1907; and two (2) for four (4) years from July 1, 1909. Upon  
21 the expiration of the term of office of a member, the Governor shall appoint a  
22 successor, whose term of office shall be four (4) years, and shall fill each  
23 vacancy for the unexpired term. Each member of the board shall hold office  
24 until a successor is duly appointed.



- 1   Reported from Senate, May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act making an appropriation for the purchase of real estate adjacent and contiguous to the homestead of Abraham Lincoln, and providing for the improvement, care and custody of the same by the Lincoln Homestead trustees.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the sum of eleven thousand dollars (\$11,000),

3 or so much thereof as may be necessary, be, and the same is, hereby appro-

4 priated for the purpose of purchasing lot six (6) and the north thirty (30)

5 feet of lot seven (7) in block ten (10) of E. Hes' addition to the city of Spring-

6 field, in the city of Springfield, in the county of Sangamon, in the State of Illi-

7 nois, the same lying and being immediately north of and adjacent and contigu-

8 ous to the homestead of the late Abraham Lincoln, now owned by the State of

9 Illinois.

Sec. 2. The Lincoln Homestead trustees shall have full power to receive,

2 in the name of the State of Illinois, a proper conveyance, or conveyances, of

3 the real estate mentioned and described in section 1 of this Act. After such  
4 property shall have been conveyed to the State of Illinois, the improvement,  
5 care, custody and control thereof shall be vested in the Lincoln Homestead  
6 trustees, to the same extent and with like effect and duties that said Lincoln  
7 Homestead trustees exercise over the homestead of Abraham Lincoln, hereto-  
8 fore purchased and now owned by the State of Illinois. Such trustees are  
9 hereby vested with power to sell, or otherwise dispose of, the houses, buildings  
10 and appurtenance on said grounds at the time such real estate shall be conveyed  
11 to the State of Illinois, conveying the money so received from the sale or dis-  
12 position of such houses, buildings and appurtenances into the State treasury.

Sec. 3. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrant upon the State Treasurer for the moneys hereby appro-  
3 priated, upon the presentation of vouchers, certified to by the Lincoln Home-  
4 stead trustees, and approved by the Governor, and the State Treasurer shall  
5 pay the same out of any funds in the State treasury not otherwise  
6 appropriated.

- 1 Reported from Senate, April 27, 1909.
- 2 Read by title, ordered printed and to a first reading.

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**A BILL** .

For an Act to amend section 3 of an Act entitled "An Act to revise the law in relation to marriages," approved February 27, 1874, in force July 1, 1874; as amended May 13, 1905, in force July 1, 1905.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of an Act entitled "An Act to revise the law in relation to marriages," approved February 27, 1874, in force July 1, 1874; as amended May 13, 1905, in force July 1, 1905, be amended to read as follows:

6      Sec. 3. Male persons of the age of twenty-one years and upwards, and  
7 female persons of the age of eighteen years and upwards, may contract and  
8 be joined in marriage: *Provided*, that a male person of eighteen years of age  
9 and upwards or a female person sixteen (16) years of age and upwards may  
10 contract a legal marriage if the parent or guardian of such person shall ap-

11 pear before the county clerk in the county where either of said contracting  
12 parties reside and shall make affidavit that he or she is the parent or guardian  
13 of said minor and give consent to the marriage. Such parent or guardian  
14 shall, when giving consent to such marriage, make affidavit as to the date and  
15 place of birth and place of residence of such minor and shall submit such  
16 proof of such minor's age as the county clerk may deem necessary to com-  
17 ply with the purposes of this Act: *Provided, further,* that this Act shall not  
18 repeal any Act or portion of an Act entitled "An Act concerning bastardy."



- 1 Reported from Senate May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled "An Act to establish appellate courts," approved June 2, 1877, in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That an Act entitled, "An Act to establish appellate  
3 courts," approved June 2, 1877, in force July 1, 1877, be and the same is hereby  
4 amended by adding thereto two additional sections to be known as sections 20a  
5 and 20b, to be read as follows:

6      Sec. 20a. All fees, perquisites and emoluments collected or received by  
7 each of the clerks of the appellate courts shall be paid into the State treasury;  
8 and said clerks shall, each of them, semi-annually, on or before the first days  
9 of April and October of each year, file a statement under oath, with the Gover-  
10 nor, showing by items the amount of such fees, perquisites and emoluments  
11 collected or received by him, together with the receipt of the State Treasurer  
12 for the same.

14 And upon failure of any one of them to file such statement, or failure  
14 to pay to the Treasurer the fees, perquisites and emoluments so collected or  
15 received by him, he shall forfeit the sum of fifty dollars and be liable for double  
16 the amount of fees, perquisites and emoluments so collected or received and  
17 not paid to the Treasurer: *Provided*, that the necessary expenses incurred by  
18 each of said clerks in and about the conduct of the business and management  
19 of his said office shall be fixed and allowed by the judges of the Supreme Court  
20 and paid out of the receipts of the respective offices.

21 20b. The clerk of each of the appellate courts shall be allowed and paid  
22 an annual salary in lieu of all other salaries, perquisites, emoluments, benefits  
23 or compensation in any form whatever, of five thousand dollars payable in  
24 quarter-yearly installments out of the State treasury, on the warrant of the  
25 Auditor of Public Accounts, out of any moneys not otherwise appropriated.

1. Reported from Senate, May 6, 1909.
- 2 Read by title ordered printed and to a first reading.

A BILL

For an Act to amend an Act entitled “An Act to revise the law in relation to the State library,” approved February 25, 1874, in force July 1, 1874, by adding three new sections to be known as sections 10, 11 and 12.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That “An Act to revise the law in relation to the State library,” approved February 25, 1874, in force July 1, 1874, be amended by adding the following sections to be known as sections 10, 11 and 12.

Sec. 10. That the commissioners of the State library be and they are hereby authorized and empowered to appoint two persons who, together with the State Librarian, shall constitute a board to be known as the “Illinois Library Extension Commission” of which the State Librarian shall be *ex officio* chairman.

9       The length of the term of office of the appointive members of such com-  
10 mission shall be for two years and until their successors are appointed and  
11 qualified, the first term beginning on the first day of July, 1909; but of the two  
12 appointed in the first instance one shall be appointed for one year, and one for  
13 two years, and thereafter one member shall be appointed each year. No mem-  
14 ber of such commission shall be compensated for his services, but for the travel-  
15 ing expenses of members in attending meetings of the commission or establish-  
16 ing libraries, and other incidental and necessary expenses connected with the  
17 work of the commission shall be paid.

18       Sec. 11. The Library Extension Commission shall give advice and infor-  
19 mation to the librarian or trustees of any existing public library, or to any per-  
20 son or community interested in starting a new library, concerning the organiza-  
21 tion, maintenance, or administration of said library and it shall appoint a  
22 library organizer, one of whose duties shall be to furnish such advice and in-  
23 formation. Such library organizer shall keep informed of the condition, scope  
24 and methods of work of the various public libraries of the State, visiting the  
25 same as occasion may require, shall assist as far as practicable in promoting  
26 and starting new libraries, and at the end of each fiscal year shall make a re-  
27 port of the general library conditions in the State to the Library Extension  
28 Commission.

29       Sec. 12. The commission shall operate traveling libraries specially given or  
30 bought for such purpose, and loan such libraries to any library in the State, or  
31 to any community or organization not yet having an established library, under  
32 such conditions and regulations as it shall prescribe. And said commission  
33 shall, from time to time, so send out and distribute such books throughout the  
34 State, and at suitable intervals change such distributions, in such a manner as  
35 to secure to the greatest practicable degree the use and enjoyment of such



36 books to the people of the entire State. The commission may also conduct a  
37 clearing house for periodicals for free gift to local libraries, and perform such  
38 other public service as may seem to it for the best interests of the State. Said  
39 Library Extension Commission shall receive the advice and counsel of the State  
40 Library Commission, and shall be under its control.



- 1 Reported from Senate April 29, 1909.  
2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in relation to tax deeds.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That any tax deed, either heretofore or hereafter  
3 executed, when the same is void because executed without compliance with  
4 the provisions of law, may be set aside in the manner hereinafter provided.

Sec. 2. Any person claiming to be the owner of or interested in the prem-  
2 ises, or any part thereof, described in such tax deed, shall be entitled to re-  
3 ceive from the grantee in such tax deed, or the successor in title of  
4 such grantee, a quit claim deed, conveying such premises to the State of Illi-  
5 nois, for the benefit of the owner or owners of said premises, upon tendering  
6 to such grantee or his successor in title the amount for which said premises  
7 may have been sold at the tax sale, in pursuance of which said deed may  
8 purport to have been issued, together with interest at the rate of five per cent

9 per annum from the date of such tax sale to the date of such deposit, together  
10 with all taxes and special assessments which may appear to have been paid by  
11 the person to whom such tax deed may have been issued and, his assignors or  
12 grantors, or his assignees or grantees, together with interest at the rate of  
13 five per cent thereon from the time or times of such payment, respectively,  
14 to the date of such deposit, and also the sum of five dollars (\$5) in addition  
15 thereto.

Sec. 3. Upon such tender being made and the refusal of the person to  
2 whom the same has been made to execute such quit claim deed, the person  
3 making such tender may deposit the amount so tendered with the clerk of  
4 the circuit court of the county in which such premises are situated for the bene-  
5 fit of the grantee in such tax deed, or his successor or successors in title, and  
6 said clerk of the circuit court shall deliver to the person making such deposit  
7 a certificate thereof.

Sec. 4. Upon the making of the tender and deposit hereinbefore provided  
2 for, the person making the same may file in the circuit court of the county in  
3 which the premises are situated a bill in equity against the grantee in such  
4 tax deed, or his successor or successors in title, and such other persons as  
5 may be necessary parties to such bill in equity, setting forth his interest in  
6 the property, and the facts pertaining to such deposit, and also the facts re-  
7 lied upon to show that such tax deed is void, and praying that the same may  
8 be set aside; such bill to be verified by the affidavit of the person filing the  
9 same, his agent or attorney.

Sec. 5. The defendant or defendants named in such bill, if they elect to  
2 answer the same, shall verify their answer by affidavit, but the answer so veri-  
3 fied shall be of no force or effect excepting as against such defendant or de-  
4 fendants.



Sec. 6. Whenever any defendant in such action shall claim the right to

2 receive payment of any sum or sums greater than the amount deposited with  
3 interest, as aforesaid, he shall set forth in his answer a correct statement of  
4 the amount or amounts so paid, the dates when paid and the purposes for which  
5 paid, and thereupon the plaintiff in such suit shall be at liberty to deposit  
6 with the clerk of the court, for the benefit of the grantee in the tax deed, or his  
7 successor in title, any additional sum claimed by such grantee or successor,  
8 and such sum shall be paid over to such grantee or his successor upon the exe-  
9 cution and delivery by him to such clerk of the quit claim deed hereinbefore  
10 provided for.

Sec. 7. Any action brought in pursuance of this Act shall be heard by the

2 court in a summary manner and without formality and it shall be unnecessary  
3 in any such action for the plaintiff to prove his own title to or interest in the  
4 premises described in such tax deed, and if it shall appear to the court that such  
5 tax deed is void the court shall by its decree set the same aside.

Sec. 8. In every case in which a defense shall be made to any such action after

2 the plaintiff therein shall have paid to the clerk of the court in which the action  
3 is brought, an amount or amounts sufficient to make the payments to which the  
4 grantee in such tax deed or his successor or successors in title is entitled to  
5 receive under the provisions of this Act and such tax deed is adjudged by  
6 the court to be void, the court shall order the money so deposited to be applied,  
7 so far as the same may be necessary or so far as the same may extend to the  
8 payment of the costs and expenses of the plaintiff, including attorney's fees,  
9 in the the prosecution of his suit and shall order the remainder, if any, to be  
10 paid to the grantee in such tax deed or to his successor or successors in title.

Sec. 9. No tax deed shall be set aside in pursuance of the provisions of

2 this Act, when it shall appear that the grantee therein or his successor in title

3 is in possession of the premises described in such tax deed by himself or ten-  
4 ant and that he has acquired a good title to the premises by possession or  
5 otherwise.

Sec. 10. When the person claiming title or interest by virtue of any such  
2 tax deed is a non-resident of the county or counties in which the premises are  
3 situated, no tender as above provided for shall be necessary, but it shall be  
4 sufficient for the person seeking to set aside the tax deed to make the deposit  
5 with the clerk of the circuit court before bringing suit.

- 1   Reported from Senate, May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act providing for the appointment of park commissioners under certain conditions and prescribing their duties.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Whenever any township in this State shall elect to  
3 issue bonds for the purpose of procuring and improving lands to be set apart  
4 and forever held as one or more public parks, and for the maintenance of same  
5 in accordance with the terms of an Act entitled “An Act authorizing townships  
6 to issue bonds for park purposes and providing for the payment thereof,” ap-  
7 proved and in force March 2, 1907, and “An Act authorizing townships to ac-  
8 quire and maintain lands for park purposes,” approved and in force March 2,  
9 1907, and if at the time there be no board of park commissioners invested by  
10 law with control over any park which lies wholly or in part in said township,  
11 then the county judge shall, upon recommendation by petition, signed by not

12 less than fifty legal voters of said township, appoint three persons residing in  
13 said township, whose duty shall be to locate the park or parks of said town-  
14 ship, to determine the cost of same, and to estimate the cost of improving  
15 the same, for the purpose of submitting said estimate to the voters of said  
16 township as provided by said Act entitled "An Act authorizing townships to  
17 issue bonds for park purposes and providing for the payment thereof," ap-  
18 proved and in force March 2, 1907, and whose further duties shall be to man-  
19 age and control said park or parks. The terms of office of said commissioners  
20 first appointed hereunder by the county judge shall be one, two and three  
21 years, severally, to be determined by said county judge at the time of their  
22 appointment; and thereafter the term of office shall be three years.

Sec. 2. The powers and duties of the supervisor, town clerk and highway  
2 commissioners, as provided in the Acts approved and in force March 2, 1907.  
3 shall devolve upon the board of park commissioners herein provided for to  
4 carry out and perform the duties herein prescribed.



- 1   Reported from Senate April 22, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to provide for the examination and licensing of surveyors and regu-

lating the practicing of surveying.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the Governor of this State shall by and with the

3 advice and consent of the Senate appoint one member of the faculty of the

4 University of Illinois and four surveyors, who shall have been practicing as

5 such in the State during the past ten years, who altogether shall be known as

6 the State Board of Examiners of Surveyors.

Sec. 2. The examiners shall hold office from their appointment respect-

2 ively for one, two, three, four and five years, as the Governor shall appoint,

3 from the last Monday in September next after the passage of this Act, and

4 until their successors shall be appointed and qualified. They shall be *ipso*

5 *facto* licensed surveyors and may, as a board, issue licenses to themselves in-  
 6 dividually as such, as hereinafter provided for issuing licenses to candidates.

Sec. 3. Before the last Monday in September in each year thereafter, the  
 2 Governor shall appoint a successor to the member whose term of office is to  
 3 expire that year. One examiner shall be a member of said faculty, and the  
 4 other four shall be surveyors holding licenses under this Act. Examiners so  
 5 appointed shall hold office for five years or until their successors are qualified.  
 6 They shall take and subscribe to the Constitutional oath or affirmation of  
 7 office.

Sec. 4. Whenever any examiner shall neglect to perform the duties of his  
 2 office, the Governor may, at the request of a majority of the other examiners,  
 3 and on due evidence, declare the office of such examiner vacant, and shall ap-  
 4 point his successor. All vacancies from any cause shall be filled by appoint-  
 5 ment of the Governor for the unexpired term.

Sec. 5. The board shall within 30 days after its appointment, meet and or-  
 2 ganize by electing from its members a president and a secretary, who shall also  
 3 be the treasurer of said board. The board shall adopt rules of procedure, and  
 4 shall meet each year, once in the capitol of the State and once in Chicago, for the  
 5 purpose of conducting examinations and transacting other business as may  
 6 properly come before it, and as often as may be found necessary at any rail-  
 7 road center within the State. Examinations shall be held on the second Tues-  
 8 days of October and April in each year, and at such other times and places as  
 9 the board may determine. Any candidate wishing to take such examination  
 10 must file his application with the secretary thirty days before the date of such  
 11 examination.

Sec. 6. The secretary-treasurer, before entering on the duties of his of-  
 2 fice, shall file with the Secretary of State a bond for the proper performance

3 of his duties in such sum and with such sureties as shall be approved by the  
4 Governor of the State., and the secretary-treasurer shall keep a full record of  
5 all the moneys received and paid out under the direction of the board.

Sec. 7. The board shall adopt and procure a seal impressing the words,  
2 "Illinois State Board of Examiners of Surveyors," and any device they may  
3 select. The seal shall be in the custody of the secretary and used only by him  
4 or under his direction.

Sec. 8. Out of the funds in its treasury the board shall first pay the cur-  
2 rent expenses of carrying out the provisions of this Act, and out of any re-  
3 maining funds may pay to each member ten dollars per day for the time neces-  
4 sarily employed in the business of the board, and in travel to and from its  
5 meetings and the expense of such travel and attendance. Itemized vouchers  
6 shall be kept on file in the office of the board for all salaries and other expendi-  
7 tures made from any of the funds received or under the control of the board.  
8 Before payment of these vouchers they shall be certified to by the president of  
9 the board and approved by the Governor of the State of Illinois.

Sec. 9. Any reputable citizen of the United States of lawful age may,  
2 upon payment of ten dollars into the treasury of the board, present himself  
3 for examination as a candidate for a license.

4 On being satisfied that he possesses qualifications hereinbefore stated, the  
5 board shall examine him as to his knowledge of the Statutes of the United  
6 States of the State of Illinois relating to the surveying and subdivision of  
7 lands, practical surveying, the use and adjustment of surveying instruments,  
8 and of mathematics as applied to land surveying.

Sec. 10. To each candidate who shall have passed the prescribed examina-  
2 tion, the secretary shall issue a license, stating the name and residence of the  
3 surveyor, and the date of issue, duly signed and attested under the seal of

4 the board, on payment by the surveyor of the further fee of \$15.00 into the  
5 treasury. Any candidate who shall fail to pass a satisfactory examination  
6 shall be entitled to a second examination without further charge, not less than  
7 three months nor more than twelve months thereafter.

Sec. 11. Any candidate who shall file his written application for a license  
2 within six months after the taking effect of this Act, and shall prove to the  
3 satisfaction of the board that he has been actively engaged as a surveyor, as  
4 defined by this Act, for a period of not less than five years, shall be entitled  
5 to a license without further examination on payment of the fee of fifteen dollars.

Sec. 12. After each meeting at which licenses have been granted the board  
2 shall, through its secretary, file with the Secretary of State a report of the  
3 name and address of each person licensed at that meeting, with the date of  
4 the license. And annually the board shall make full report to the Governor of  
5 its proceedings and of the money received and disbursed by it during the year.

Sec. 13. The Secretary of State shall, upon being notified by the board of  
2 the licensing of any surveyor, notify the county clerk of each county in the  
3 State of the issuance of such license.

Sec. 14. On or before the first day of July of the year succeeding that in  
2 which his license was issued, and on or before the first day of July annually  
3 thereafter, each licensed surveyor shall pay into the treasury of the board five  
4 dollars as an annual fee. Should any licensed surveyor fail to pay his annual  
5 fee on or before the first day of October of each year, the board shall, after  
6 written notice to the delinquent, declare his license forfeited. Where such for-  
7 feiture has occurred the license shall be restored by said board upon the pay-  
8 ment of an additional fee of ten dollars, and the secretary of the board shall  
9 give notice of such restoration to the Secretary of State.



Sec. 15. Any license granted under this Act may be revoked by the board  
 2 for gross incompetence or carelessness, or dishonest practice, the accused hav-  
 3 ing twenty days' notice of the charges against him, the name of the person  
 4 bringing them, and of the time and place set for hearing them. For such hear-  
 5 ing the board shall have the power of a court of record, sitting in the county  
 6 where such hearing is held, and shall have the power to issue subpoenas and  
 7 compel the attendance and testimony of witnesses. Witnesses shall be en-  
 8 titled to the same fees as in courts of record, and the said fees shall be taxed  
 9 and collected as in said courts. The accused shall have the subpoena of the  
 10 board for his witnesses and shall be heard in his defense in person or by  
 11 counsel in public trial. In case of revocation of license by the board the party  
 12 whose license is revoked shall have the right of appeal to the courts. On re-  
 13 vocation or forfeiture of a license the secretary of the board shall give written  
 14 notice thereof to the Secretary of State, who shall notify the county clerk of  
 15 each county of such revocation or forfeiture, and such fact shall be entered by  
 16 said county clerk upon the record of licensed surveyors, which each county  
 17 clerk shall keep.

Sec. 16. The secretary of the board shall furnish to any applicant on  
 2 payment of fifty cents a certificate under seal of the board in regard to any  
 3 required license, stating the name and address of the person licensed, and the  
 4 date of issue, and whether the same is still in force; and if not in force, the  
 5 date of its revocation or forfeiture for the reason therefor.

Sec. 17. Each surveyor licensed hereunder shall procure a seal impress-  
 2 ing his name and the date of his license and the words "Illinois Licensed  
 3 Surveyor." Every document issued officially by him as such surveyor shall be  
 4 stamped with his seal.

Sec. 18. Any licensed surveyor may administer to any assistant employed  
 2 with or by him on any survey the oath or affirmation for the proper perform-

3   ance of his duty. He may take the evidence under oath or affirmation of wit-  
 4   nesses whose evidence may be useful in establishing any part of a survey. He  
 5   may take and attest by his seal acknowledge of plats and other documents re-  
 6   lating to real estate, in the manner provided for notaries public.

Sec. 19. All surveys and proceedings of said surveyor licensed under this  
 2   Act shall be held to be *prima facie* correct, subject always to review by the  
 3   courts. All plats and certificates given under his hand and seal shall be re-  
 4   ceived in evidence in all courts in this State and shall be entitled to be recorded  
 5   in the county wherein the land affected thereby lies, subject always to the ap-  
 6   proval thereof by persons designated by law to examine and approve plats.

Sec. 20. Each county clerk shall keep in a proper book a list of all licenses  
 2   recorded to him by the Secretary of State, with the name and address of the  
 3   surveyor, with the date of its filing.

Sec. 21. After a period of six months from the time this Act shall take  
 2   effect any person other than a licensed surveyor or a person employed by and  
 3   acting for the United States government, who shall practice the profession of  
 4   a surveyor, or who shall, by any sign, printed matter or otherwise, represent  
 5   himself as a surveyor in this State, shall be deemed guilty of a misdemeanor.  
 6   No plat or certificate made by such person shall be recorded in the office of any  
 7   county or other public officer, nor shall any plat or certificate be accepted for  
 8   record by any public official from any person other than a duly licensed sur-  
 9   veyor, as provided in this Act.

Sec. 22. For the purpose of this Act a surveyor is understood to be a per-  
 2   son who for a consideration uses surveying or measuring instruments for the  
 3   purpose of locating or establishing one or more corners or boundaries of any  
 4   tract, lot or parcel of land, or any person locating public improvements, the po-  
 5   sition of which depends upon the location of such corners or boundaries.

6 Any licensed surveyor, while in the performance of his duty, together with  
7 his assistants, shall have the right to enter or cross any lot, tract or parcel of  
8 land or enter any building subject to the right of the owner of such land or  
9 building to collect any actual damage caused by such entry. Any chief of party  
10 or person actually in charge of field work shall be a licensed surveyor. Any  
11 licensed surveyor who signs a plat of survey, said survey having been made by  
12 any other than a licensed surveyor, shall be guilty of a misdemeanor.

13 Any person not a licensed surveyor who shall represent himself to be such  
14 or shall issue as a licensed surveyor any plat, certificate or other document,  
15 shall be guilty of a misdemeanor: *Provided, however,* that this Act shall not  
16 apply to any one elected to the office of county surveyor during his term of office.

Sec. 23. Any person found guilty of a misdemeanor as defined by this  
2 Act, shall be subject to a fine of not less than ten dollars nor more than two  
3 hundred dollars for each and every offense.

Sec. 24. All Acts or parts of Acts conflicting with the provisions of this  
2 Act are hereby repealed.





- 1 Reported from Senate May 4, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the health, safety and comfort of employes in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That all power driven machinery, including all saws,  
3 planers, wood shapers, jointers and paper machines, iron mangles, emery  
4 wheels, ovens, furnaces, forges and rollers of metal; all projecting set screws  
5 on moving parts; all drums, cogs, gearing, belting, shafting, tables, fly wheels,  
6 flying shuttles and hydro-extractors; all laundry machinery, mill gearing and  
7 machinery of every description; all systems of electrical wiring or transmis-  
8 sion; all dynamos and other electrical apparatus and appliances; all vats or  
9 pans, and all receptacles containing molten metal or hot or corrosive fluids in

any factory, mercantile establishment, mill or workshop, shall be so located wherever possible, as not to be dangerous to employes or shall be properly enclosed, fenced or otherwise protected. All dangerous places in or about mercantile establishments, factories, mills or workshops, near to which any employe is obliged to pass, or to be employed shall, where practicable, be properly enclosed, fenced or otherwise guarded. No machine in any factory, mercantile establishment, mill or workshop, shall be used when the same is known to be dangerously defective, and no repairs shall be made to the active mechanism or operative part of any machine when the machine is in motion.

Sec. 2. No person shall remove or make ineffective any safeguard required by this Act, during the active use or operation of the guarded machine or device, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced,

Sec. 3. In every factory, mercantile establishment, mill or workshop, effective means shall be provided for immediately disconnecting the power, so that in case of need or accident, any particular machine, group of machines, room or department, can be promptly and effectively shut down.

a. Where machines require to be started and stopped frequently, they shall, wherever practicable, be provided with tight and loose pulleys, clutch or other effective disengaging device. When provided with tight and loose pulleys, the shifting of the belt shall be accomplished by the use of a belt shifter, placed within easy reach of the operator. When a clutch, or other disengaging device is used, an effective means for throwing such device into or out of engagement shall be provided, and shall be placed within easy reach of the operator.

b. Where machines are direct connected with the prime mover, (electric motor, steam, gas or gasoline engine, or other source of power), a switch, throt-

15 the, or other power controlling device shall be furnished and shall be placed  
16 within easy reach of the operator, or his co-worker.

17 c. Where machines are arranged in groups, rooms or departments, and  
18 power is supplied by a prime mover, located within the confines of such group,  
19 room or department, a switch, throttle, or other power controlling device shall  
20 be furnished, and shall be placed within easy reach of the operators affected,  
21 so that all shafting, transmitting machinery and machines of such group, room  
22 or department, can be simultaneously shut down.

23 d. Where machines are arranged in groups, rooms or departments, and  
24 are supplied by power through the use of main or line shafts, receiving power  
25 from some prime mover, located within the group, room or department, the  
26 power receiving wheel of such main or line shaft, shall, wherever possible, be  
27 provided with a friction clutch, or other effective power disengaging device,  
28 with suitable means for operating the clutch, or power disengaging device, and  
29 these means shall be placed within the confines of such group, room or depart-  
30 ment, and within easy reach of the employes or operatives affected, so that all  
31 machines, shafting and other transmission machinery within such group, room  
32 or department, can be simultaneously shut down. In addition to such safe-  
33 guard, communication, consisting of speaking tubes, electric bells, electric  
34 colored lights, or other approved and effective means, shall be provided in all  
35 cases covered by this paragraph, between each such group, room or depart-  
36 ment, and the room in which the engineer, or prime-mover, is located, so that  
37 in case of need or accident, the motive power of such group, room or depart-  
38 ment can be promptly stopped or controlled.

Sec. 4. All hoist ways, hatch ways, elevator wells and wheel holes in fac-  
2 tories, mercantile establishments, mills or workshops, shall be securely fenced,  
3 inclosed or otherwise safely protected and due diligence shall be used to keep  
4 all such means of protection closed, except when it is necessary to have the

5 same open, in order that the said hatch ways, elevators or hoisting apparatus  
6 may be used. All elevator cabs or cars, whether used for freight or passengers,  
7 shall be provided with some device, whereby the car or cab may be held in  
8 the event of accident to the shipper rope or hoisting machinery or controlling  
9 apparatus.

Sec. 5. If any elevator, machine, electrical apparatus or system of wiring,  
2 or any part or parts thereof, in any factory, mercantile establishment, mill or  
3 workshop, are in an unsafe condition, or are not properly guarded, where  
4 reasonable to guard the same, the owner or lessee, or his agent, superintend-  
5 ent or other person in charge thereof, shall, upon notice from the Chief State  
6 Factory Inspector, or the Assistant Chief State Factory Inspector, remedy such  
7 unsafe condition within a reasonable time after receiving such notice.

Sec. 6. It shall be the duty of every employe working with any machinery  
2 to examine the same for defects each working day when so employed. Upon  
3 discovery of any defect, break or accident to machinery, he shall immediately  
4 notify the owner, manager, superintendent, master mechanic or foreman in  
5 charge of the factory, mill, workshop or mercantile establishment of such de-  
6 fect, or accident, and it shall be the duty of such employer to remedy such con-  
7 dition. Any employe who suffers an injury because of his failure to give such  
8 notice shall have no right to recover damages against such employer: *Pro-*  
9 *vided*, nothing in this section shall relieve the employer of his duty of inspec-  
10 tion.

Sec. 7. No employe of any factory, mercantile establishment, mill or work-  
2 shop, shall attempt to operate or tamper with any machine or appliance with  
3 which such employe is not familiar and which is in no way connected with his  
4 regular duties.



Sec. 8. The traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen (18) inches from any fixed structure, not being part of the machine, if the space over which it runs out is a space through which any employe is liable to pass, whether in the course of his employment or otherwise.

Sec. 9. No employe shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill or workshop, where white lead, arsenic or other poisonous substances or injurious or noxious fumes, dusts or gases under harmful conditions are present, as the result of the business conducted by such factories, mercantile establishments, mills or workshops, and notices to this effect shall be posted in each room or apartment. Employes shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer, when practicable, for enabling the employes to take their meals elsewhere in such establishment: *Provided, however,* that this section shall not apply to such employes whose presence during meal hours may be necessary for the proper conduct of such business.

Sec. 10. That every person, firm or corporation employing females in any factory, mercantile establishment, mill or workshop in this State, shall provide a reasonable number of suitable seats for use of each female employe, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employes, and where practicable, such seats shall be made a permanent fixture and may be so constructed or adjusted that when said seats are not in use, they will not obstruct such female employe, when engaged in the performance of her duties.

Sec. 11. In every factory, mercantile establishment, mill or workshop,  
 2 where one or more persons are employed, adequate measures shall be taken for  
 3 securing and maintaining a reasonable, and as far as possible, equable tempera-  
 4 ture, consistent with the reasonable requirements of the manufacturing process.  
 5 No unnecessary humidity which would jeopardise the health of employes shall  
 6 be permitted.

Sec. 12. In every room or apartment of any factory, mercantile establish-  
 2 ment, mill or workshop, where one or more persons are employed, at least 500  
 3 cubic feet of air space shall be provided for each and every person employed  
 4 therein, and fresh air, to the amount specified in this Act, shall be supplied in  
 5 such a manner as not to create injurious drafts, nor cause the temperature of  
 6 any such room or apartment to fall materially below the average temperature  
 7 maintained: *Provided*, where lights are used which do not consume oxygen,  
 8 250 cubic feet of air space shall be deemed sufficient. All rooms or apartments  
 9 of any factory, mercantile establishment, mill or workshop, having at least  
 10 2,000 cubic feet of air space for each and every person employed in each room  
 11 or apartment, and having outside windows and doors whose area is at least (one-  
 12 eighth) of the total floor area, shall not be required to have artificial means of  
 13 ventilation; but all such rooms or apartments shall be properly aired before  
 14 beginning work for the day and during the meal hours. All such rooms, or  
 15 apartments, having less than 2,000 cubic feet of air space, but more than 500  
 16 cubic feet of air space, for each and every person employed therein, and which  
 17 have outside windows, and doors whose area is at least one-eighth of the floor  
 18 area, shall be provided with artificial means of ventilation, which shall be in  
 19 operation when the outside temperature requires the windows to be kept closed,  
 20 and which shall supply during each working hour at least 1,500 cubic  
 21 feet of fresh air for each and every person employed therein. All such rooms  
 22 or apartments, having less than 500 cubic feet of air space for each and every

23 person employed therein, all rooms or apartments having no outside windows  
 24 or doors, and all rooms or apartments having less than 2,000 cubic feet of air  
 25 space for each and every person employed therein, and in which the outside win-  
 26 dow and door area is less than one-eighth of the floor area, shall be provided  
 27 with artificial means of ventilation, which will supply during each working  
 28 hour throughout the year, at least 1,800 cubic feet of fresh air for each and  
 29 every person employed therein: *Provided*, that the provisions of the preced-  
 30 ing portions of this section shall not apply to storage rooms or vaults: *And*,  
 31 *provided, further*, that the preceding portions of this section shall not apply  
 32 to those rooms or apartments in which manufacturing processes are carried  
 33 on which from their peculiar nature would be materially interfered with by  
 34 the provisions of this section. No part of the fresh air supply required by this  
 35 section shall be taken from any cellar or basement.

36 The following terms of this section shall be interpreted to mean: The air  
 37 space available for each person is the total interior volume of a room, ex-  
 38 pressed in cubic feet, without any deductions for machinery contained there-  
 39 in, divided by the average number of persons employed therein.

40 Outside windows and doors are those connecting directly with the outside  
 41 air; the window and door area is the total area of the windows and doors of  
 42 all outside openings; and the floor area is the total floor area of each room.

Sec. 13. All factories, mercantile establishments, mills or workshops shall  
 2 be kept free from any gas or effluvia arising from any sewer, drain, privy or  
 3 other nuisance on the premises. All poisonous or noxious fumes or gases  
 4 arising from any process, and all dust of a character injurious to the health  
 5 of the persons employed, which is created in the course of a manufacturing  
 6 process, within such factory, mill or workshop, shall be removed, as far as prac-  
 7 ticable, by either ventilating or exhaust devices.



Sec. 14. All decomposed, fetid or putrescent matter, and all refuse, waste  
2 and sweepings of any factory, mercantile establishment, mill or workshop,  
3 shall be removed and disposed of, at least once each day, and in such a man-  
4 ner as not to cause a nuisance; and all cleaning shall be done, as far as pos-  
5 sible, outside of working hours; but if done during working hours, shall be  
6 done in such a manner as to avoid the unnecessary raising of dust or noxious  
7 odors. In every factory, mill or workshop, in which any process is carried  
8 on which makes the floors wet, the floor shall be constructed and maintained  
9 with due regard to the health of employes, and gratings or dry standing rooms  
10 shall be provided if practicable, at points where employes are regularly sta-  
11 tioned, and adequate means shall be provided for drainage, and for preventing  
12 seepage or leakage to the floors below.

Sec. 15. In all factories, mercantile establishments, mills or workshops,  
2 sufficient and reasonable means of escape in case of fire shall be provided, by  
3 more than one means of egress, and such means of escape shall at all times  
4 be kept free from any obstruction and shall be kept in good repair and ready  
5 for use, and shall be plainly marked as such.

Sec. 16. All doors used by employes as entrances to or exits from any  
2 factory, mercantile establishment, mill or workshop, of a height of two stories  
3 or over, shall open outward, slide or roll, and shall be so constructed as to be  
4 easily and immediately opened from within in case of fire or other emergency.

Sec. 17. Proper and substantial hand rails shall be provided on all stair-  
2 ways in factories, mercantile establishments, mills or workshops, and the treads  
3 on all stairways shall be so constructed as to furnish a firm and safe foothold.

Sec. 18. In all factories, mercantile establishments, mills or workshops, a  
2 proper light shall be kept burning by the owner or lessee in all main passage-  
3 ways, main hallways, at all main stairs, main stair landings and shafts, and



4 in front of all passenger or freight elevators, upon the entrance floors and upon  
 5 the other floors, on every work day of the year, from the time that the build-  
 6 ing is opened for use until the time when it is closed, except at times when the  
 7 influx of natural light shall make artificial light unnecessary: *Provided*, that  
 8 when two or more tenants occupy different floors in one building, such elevator  
 9 shafts need be lighted only on the floors occupied and used by employes.

Sec. 19. No floor space or any work room in any factory, mercantile estab-  
 2 lishment, mill or workshop, shall be so overloaded with machinery or other  
 3 material as thereby to cause serious risk to or endanger the life or limb of any  
 4 employe, nor shall there be permitted in any such establishment a load in ex-  
 5 cess of the safe sustaining power of the floors and walls thereof.

Sec. 20. In all factories, mercantile establishments, mills or workshops,  
 2 machines must not be placed so closely together as to be a serious menace to  
 3 those that have to pass between them. Passageways must be of ample width  
 4 and head room and must be kept well lighted and free from obstructions.

Sec. 21. Every factory, mercantile establishment, mill or workshop shall be  
 2 provided with a sufficient number of water closets, earth closets or privies, within  
 3 reasonable access of the persons employed therein, and such water closets, earth  
 4 closets or privies shall be supplied in the proportion of at least one (1) to  
 5 every thirty (30) male persons and one (1) to every twenty-five (25) female per-  
 6 sons; and whenever both male and female persons are employed, said water  
 7 closets and privies shall be provided separate and apart for the use of each  
 8 sex, and plainly marked by which sex they are to be used; and no person or  
 9 persons shall be allowed to use the closets or privies assigned to the opposite  
 10 sex; and such water closets or privies shall be constructed in an approved man-  
 11 ner and properly enclosed, and at all times kept in a clean and sanitary con-  
 12 dition. The closets or privies, where practicable, shall be located so that they

shall have direct ventilation with the outside air; where it is impracticable to locate the closets or privies so as to have direct ventilation with the outside air, they shall be placed in an enclosure; and every such closet or privy shall be properly and effectively disinfected and separately ventilated, and shall be properly lighted by artificial light, except when the influx of natural light makes artificial light unnecessary.

*Provided*, that nothing in this section shall be construed to prevent any city, town or village, by appropriate ordinance or regulation, from prohibiting the construction, use or maintenance in such city, town or village, of any kind of earth closets, or privies, which may be considered a nuisance or detrimental to the public health.

Sec. 22. In all factories, mercantile establishments, mills or workshops, adequate washing facilities shall be provided for the employes, where necessary, and in such case in all factories, mills and workshops not less than one spigot, basin or receptacle shall be provided for each thirty (30) employes; and in mercantile establishments, not less than one spigot, basin or receptacle shall be provided for each fifty (50) employes. Where the labor performed by the employes is of such a character as to make customary or necessary a change of clothing by the employes, there shall be provided sanitary and suitable dressing room or rooms, and both such dressing rooms and washing facilities shall be separately maintained for each sex.

*Provided*, that nothing in this Act shall be construed as abrogating or repealing any provision of section 5 of an Act entitled, "An Act to provide for the licensing of plumbers, and to supervise and inspect plumbing," approved June 10, 1897, and in force July 1, 1897, or the provisions of any local ordinance or regulation of any city, town or village, requiring approved and sufficient methods of sanitation, light, heat, drainage or ventilation of an equal or superior standard to that required in this Act.

Sec. 23. It shall be the duty of every person, firm or corporation to  
 2 which the provisions of this Act may apply, to carry out the same, and make  
 3 all the changes and additions necessary therefor, and in every way to comply  
 4 with all the provisions of this Act, and it shall be the duty of the owner of  
 5 the building in which is located any such factory, mercantile establishment,  
 6 mill or workshop, to permit any alterations or additions to such building as may  
 7 be necessary to comply with the provisions of this Act.

Sec. 24. Whenever, by the provisions of this Act, it is made the duty of  
 2 any person, firm or corporation within this State, to make or install any alter-  
 3 ations, additions or changes, the same shall be made and installed in conform-  
 4 ity with the provisions of this Act, and completed within a reasonable time  
 5 after notification by the Chief State Factory Inspector or his deputy.

Sec. 25. It shall be the duty of the owner or lessee, or superintendent or  
 2 person in charge of any factory, mercantile establishment, mill or workshop in  
 3 this State, to send to the Chief State Factory Inspector, in writing, an imme-  
 4 diate report of all accidents or injuries resulting in death. It shall also be  
 5 the duty of the person in charge of such factory, mercantile establishment,  
 6 mill or workshop, to report between the 15th and 25th of each month, all ac-  
 7 cidents or injuries occurring during the previous calendar month, which entailed  
 8 a loss to the person injured of fifteen (15) consecutive days' time or more.  
 9 All reports shall state the cause and character of the injury, character of em-  
 10 ployment and the age and sex of the person injured. No statement contained  
 11 in any such report shall be admissibile in evidence in any action arising out of  
 12 the death or accident therein reported:

13 *Provided*, that any such employer who shall make the reports of accidents,  
 14 required by this Act, shall not be required to make such reports to any other  
 15 State officer, board or commission.



Sec. 26. It shall be the duty of the Chief State Factory Inspector, and  
2 of the Assistant Chief State Factory Inspector, and deputy factory inspectors,  
3 under the direction and supervision of the Chief State Factory Inspector, to  
4 enforce the provisions of this Act, and to prosecute all violations of the same  
5 before any magistrate or any court of competent jurisdiction in this State, and  
6 for that purpose they and each of them are hereby empowered to visit and  
7 inspect, at all reasonable times, all such factories, mercantile establishments,  
8 mills and workshops in this State: *Provided*, that whenever any secret pro-  
9 cess is used in any factory, mercantile establishment, mill or workshop, the  
10 owner shall, whenever asked by the Chief State Factory Inspector or the As-  
11 sistant Chief State Factory Inspector, file with him an affidavit that the owner  
12 has in all respects complied with the provisions of this Act; and such affidavit  
13 shall be accepted in lieu of inspection of any room or apartment in which such  
14 secret process is carried on.

15 In the enforcement of the provisions of this Act, the Chief State Fac-  
16 tory Inspector, and the Assistant Chief State Factory Inspector, and the dep-  
17 uty factory inspectors, under the direction and supervision of the Chief State  
18 Factory Inspector, shall give proper notice in regard to any violation of this  
19 Act to the persons owning, operating or managing any such factory, mercantile  
20 establishment, mill or workshop. Such notice shall be written or printed and  
21 signed officially by the Chief State Factory Inspector, or the Assistant Chief  
22 State Factory Inspector, and said notice may be served by delivering the same  
23 to the person upon whom service is to be had, or by leaving at his usual place  
24 of abode, or business, an exact copy thereof, or by sending a copy thereof to  
25 such person by mail.

26 When general changes relative to the location and spacing of machinery  
27 or to ventilation have been made and such changes comply with the provisions  
28 of this Act, such arrangements, conditions remaining the same, shall not be



29 disturbed by any requirement of the Chief State Factory Inspector or his dep-  
30 uties within the period of twelve (12) months.

Sec. 27. Any person, firm or corporation who shall, or any agent, mana-  
2 ger or superintendent of any person, firm or corporation, who, for himself, or  
3 for such person, firm or corporation, shall violate any of the provisions of this  
4 Act, or who omits or fails to comply with any of the foregoing requirements  
5 of this Act, or who disregards any notice of the Chief State Factory Inspector,  
6 or of the Assistant Chief State Factory Inspector, when said notice is given in  
7 accordance with the provisions of this Act; or who obstructs or interferes with  
8 any examination or investigation being made by a State Factory Inspector,  
9 under this Act, or any employe in any such factory, mercantile establishment,  
10 mill or workshop; who shall remove or interfere with any guard or protective  
11 or sanitary device, required by the provisions of this Act, except as hereinbe-  
12 fore provided, or who shall violate any of the other provisions of this Act, shall  
13 be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished  
14 for the first offense by a fine of not less than ten dollars (\$10.00) nor more than  
15 fifty dollars (\$50.00); and upon conviction of the second or subsequent offense,  
16 shall be fined not less than twenty-five (\$25.00) nor more than two hundred  
17 (\$200.00) dollars; and in each case shall stand committed until such fine and  
18 costs are paid unless otherwise discharged by due process of law.

Sec. 28. Whenever any inspection of machinery, ways, means, instruments  
2 or appliances in, on, about or connected with any factory, mill, mercantile es-  
3 tablishment or workshop is required to be made by the ordinances of any city,  
4 town or village of a standard equal to that of this Act and the inspection re-  
5 quired by such ordinances has been made, then and in every such case such  
6 inspection shall be accepted by the Chief State Factory Inspector, the As-  
7 sistant Chief State Factory Inspector and the deputy factory inspectors as a  
8 compliance in that respect with the provisions of this Act; and it shall be the

9 duty of the person for whom such inspection has been made to furnish the  
10 Chief State Factory Inspector, or his assistant or deputies, with a copy of  
11 the report of inspection made under such ordinances.

Sec. 29. The provisions of this Act relating to sanitation and ventila-  
2 tion shall not be held to apply to such rooms or apartments of any factory,  
3 mercantile establishment, mill or workshop, which are being operated under the  
4 supervision of the federal government, by virtue of an Act of Congress en-  
5 titled, "An Act making appropriations for the Department of Agriculture for  
6 the fiscal year ending June thirtieth, nineteen hundred and seven," approved  
7 June 30, 1906, or any amendment thereof; nor shall any other of the provi-  
8 sions of this Act so apply respecting matters and conditions over which the  
9 federal government now exercises or shall hereafter exercise jurisdiction.

Sec. 30. The following terms used in this Act shall have the following  
2 meaning: The term "factory" means any premises wherein electricity, steam,  
3 water or other mechanical power is used to move or work any machinery em-  
4 ployed in preparing, manufacturing or finishing, or any process incident to the  
5 manufacturing of any article or part of any article; or the altering, repairing,  
6 ornamenting or the adapting for sale of any article. The term "mill or work-  
7 shop" shall include any premises, room or apartment not being a factory as  
8 above defined, wherein any labor is exercised by way of trade or for the pur-  
9 pose of gain in or incidental to any process of making, altering, preparing,  
10 cleaning, repairing, ornamenting, finishing or adapting for sale any article or  
11 part of any article, and to which or over which building, premises, room or  
12 apartment, the employer of the person employed or working therein has the  
13 right of access or control: *Provided, however,* that a private house or private  
14 room in which manual or other labor is performed by a family dwelling there-  
15 in, or by any of them for the exclusive use of the members of such family is not

16 a factory, mill or workshop, within this definition. The term "mercantile es-  
 17 tablishment" shall include all concerns or places where goods, wares or mer-  
 18 chandise are purchased or sold, either at wholesale or retail.

Sec. 31. Copies of this Act shall be printed in English and such other  
 2 languages as may be necessary to disseminate a general knowledge of the pro-  
 3 visions herein set forth and shall be supplied by the Chief State Factory In-  
 4 spector on application.

Sec. 32. For the purpose of disseminating a general knowledge of the pro-  
 2 visions of this Act among employes, the Chief State Factory Inspector shall  
 3 have prepared a notice covering the salient features of this Act, which may be  
 4 in the following form:

5 Notice to Owners and Employes of Mercantile Establishments, Factories, Mills  
 6 and Workshops.

7 This notice must be posted in a conspicuous place, in every office and work  
 8 room of this establishment. The object of this notice is to promote the health,  
 9 comfort and safety of employes, and requires their attention and co-operation.

10 1. All machinery when in operation is dangerous, and should be consid-  
 11 ered so by the operator. It should be so protected as to offer the least pos-  
 12 sible chance for injury to those who operate it.

13 2. All machinery must be daily inspected by the operator, and upon dis-  
 14 covery of any defects, notice of the same shall be given at once to any one in  
 15 authority, and the machine not used until repaired.

16 3. All set screws or other dangerous projections on revolving machinery  
 17 shall be countersunk or otherwise guarded when possible.

18 4. Means shall be provided and placed within convenient reach for  
 19 promptly stopping any machine, group of machines, shafting or other power  
 20 transmitting machinery.



21        5. Machines must not be placed so closely together as to be a serious  
22 menace to those who have to pass between them. Passageways must be of am-  
23 ple width and head room, and must be kept well lighted and free from obstruc-  
24 tions.

25        6. All hatchways, elevator wells or other openings in floors shall be prop-  
26 erly enclosed or guarded.

27        7. The premises must be kept in a clean and sanitary condition.

28        8. Ample and separate toilet facilities for each sex shall be provided, and  
29 toilet rooms must be kept clean, well ventilated and well lighted.

30        9. Food must not be taken into any work room where white lead, arsenic  
31 or other poisonous substances or gases are present under harmful conditions.

32        10. Proper and sufficient means of escape, in case of fire, shall be pro-  
33 vided, and shall be kept free from obstructions.

34        11. Poisonous and noxious fumes or gases, and dust injurious to health,  
35 arising from any process, shall be removed, as far as practicable.

36        12. All employes are strictly prohibited from attempting to operate, ex-  
37 periment or tamper with machines or appliances with which they are not  
38 familiar and which are in no way connected with their regular duties. All  
39 employes are prohibited from jumping on or off moving cars, elevators, ma-  
40 chines or appliances not under their immediate charge or control. All employes  
41 are prohibited from carrying to their place of work acids, chemicals or explo-  
42 sives of any kind which are liable to endanger life or property.

43        13. Reports must be sent to the office of the State Factory Inspector, as  
44 provided by law, and immediate notice of the death of any employe resulting  
45 from accident or injuries must be sent to the same office.

46        This notice shall be printed on card board of suitable character, and the  
47 type used shall be such as to make it easily legible. In addition to English,  
48 this notice shall be printed in such other languages as may be necessary to



49 make it intelligible to employes. Copies shall be supplied by the Chief State  
50 Factory Inspector on application, and must be posted in a conspicuous place in  
51 every office and work room of every establishment covered by the provisions  
52 of this Act.

Sec. 33. This Act shall take effect and be in force on and after  
2 January 1, 1910.



1 Reported from Senate, May 13, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 5 of "An Act relating to the powers, duties and property of telephone companies," approved May 16, 1903, in force July 1, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 5 of "An Act relating to the powers, duties and property of telephone companies," approved May 16, 1903, in force July 1, 1903, be amended to read as follows:

5 Sec. 5. Any mortgage or deed of trust which shall hereafter be executed  
6 by any telephone company upon its real and personal property in the man-  
7 ner provided for the execution of mortgages upon real estate shall be and con-  
8 stitute a valid lien against the rights and interests of any third persons upon  
9 all and every part of the property of said company which is described in said  
10 mortgage and which is situated in any county in this State where said deed  
11 of trust or mortgage shall be recorded in the manner provided for the record

ing of mortgages upon real estate; and all mortgages of deeds of trust which have heretofore been executed and recorded in the manner provided by law for the execution and recording of mortgages upon real estate, shall be and constitute valid liens as against the rights and interests of third parties which shall be acquired subsequently to the recording in any county where any property of said corporation may be situate of confirmatory conveyance or assurance: *Provided*, if said original mortgage or deed of trust shall not have been recorded in any county where any property of said company shall be situated, then the recording of the original instrument in such county shall make said deed of trust or mortgage a valid lien as against the rights and interests of third parties acquired subsequently to such recording of said instrument: *Provided, further*, that every such company shall have power to acquire, by lease or otherwise, the property, or any part thereof, of other telephone associations or companies, or to dispose of, by lease or otherwise, its lines and other property, or any part thereof, and also shall have the power to acquire and hold stock and bonds of other telephone companies.



- 1 Reported from Senate May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to revise the law in relation to weights and measures, and to repeal a certain Act therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the weights and measures received from the  
3 United States, and now in charge of the Secretary of State, to-wit: One yard  
4 measure; one standard half bushel, containing one thousand and seventy-five  
5 and twenty-one hundredths standard cubic inches; one standard wine gallon,  
6 containing two hundred and thirty-one standard cubic inches; one wine quart,  
7 one wine pint, one wine half pint, one set of avoirdupois weights; consisting  
8 of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from  
9 eight ounces down to one drachm; one set of troy weights, from five thousand  
10 pennyweights down to half a grain, and from one pound down to the ten-thou-  
11 sandth part of an ounce, together with the three sets of balances, received

12 from the United States, shall be and remain, and be used as the sole author-  
 13 ized public standard of weights and measures in this State.

Sec. 2. Such weights, measures and balances as may be procured from  
 2 time to time to replace those before mentioned shall be preserved in the same  
 3 form and of the same dimensions; the denominations of the weights and meas-  
 4 ures being marked thereon, respectively; and they shall be sealed with the seal  
 5 which is kept for that purpose by the State sealer.

Sec. 3. The unit or standard of length and surface, from which all the  
 2 other measures of extension, whether lineal, superficial or solid, shall be de-  
 3 rived and ascertained, is the standard yard designated in this Act, which is  
 4 divided into three equal parts called feet, and each foot into twelve equal  
 5 parts called inches. For measures of cloth and other commodities commonly  
 6 sold by the yard, it may be divided into halves, quarters, eighths and six-  
 7 teenths. The rod, pole or perch contains five and one-half yards; the mile,  
 8 one thousand seven hundred and sixty yards. The chain for measuring land  
 9 is twenty-two yards long and is divided into one hundred equal parts called  
 10 links. The acre, for land measure, shall be measured horizontally and contains  
 11 ten square chains, equivalent in area to a rectangle sixteen rods in length and  
 12 ten in breadth, six hundred and forty acres being contained in a square mile.

Sec. 4. The units or standards of weight from which all the other weights  
 2 shall be derived and ascertained, shall be the standard of avoirdupois and troy  
 3 weights designated in this Act. The avoirdupois pound bears to the troy  
 4 pound the ratio of seven thousand to five thousand seven hundred and sixty.  
 5 and is divided into sixteen equal parts called ounces. The hundred-weight con-  
 6 sists of the hundred avoirdupois pounds, and twenty hundred weight are a ton.  
 7 The troy ounce is equal to the twelfth part of a troy pound.

Sec. 5. The units of standards of measures of capacity for liquids from

2 which all other measures shall be derived and ascertained shall be the stand-  
 3 ard gallon and its parts designated in this Act. The barrel is equal to thirty-  
 4 one and one-half gallons and two barrels shall constitute a hogshead. All other  
 5 measures of capacity for liquids shall be derived from the liquid gallon by  
 6 continual division by the number two, so as to make half gallons, quarts, pints,  
 7 half pints and gills. The unit or standard measure of capacity for substances  
 8 not liquids, and hereby designated as standard dry measure, from which all  
 9 measures of such substance shall be derived and ascertained, is the standard  
 10 half bushel mentioned in this Act. The peck, half peck, quarter peck, quart and  
 11 pint measure, for measuring commodities which are not liquids, shall be de-  
 12 rived from the half bushel by successively dividing that measure by two. The  
 13 bushel shall consist of two standard half bushels and shall contain twenty-  
 14 one hundred and fifty forty-two one-hundredths standard cubic inches.

Sec. 6. All commodities sold by heaped measure shall be duly heaped

2 up in the form of a cone, the outside of the measure by which the same shall  
 3 be measured to be the limit of the base of such cone; one such cone to be as  
 4 high as the article to be measured will admit.

Sec. 7. The measures used for measuring dry commodities, not heaped,

2 shall be stricken with a straight stick or roller.

Sec. 8. Contracts hereafter to be executed, made within this State, for

2 any work to be done, or for anything to be sold, delivered, done or agreed for,  
 3 by weight or measure, shall be taken and construed to be made according to  
 4 standard weight and measure ascertained as hereinbefore provided, unless  
 5 there is an express provision to the contrary.

Sec. 9. Whenever any of the following articles shall be contracted for, or

2 sold, or delivered, and when no special contract or agreement shall be made

3 to the contrary, the weight per bushel or barrel, or divisible merchantable quan-  
 4 tities of a bushel or a barrel, shall be as follows:

|    |   |            |
|----|---|------------|
| 5  | Wheat flour, per barrel.....              | 196 pounds |
| 6  | Wheat flour, per half barrel.....         | 98 "       |
| 7  | Wheat flour, per quarter barrel sack..... | 49 "       |
| 8  | Wheat flour, per eighth barrel sack....   | 24½ "      |
| 9  | Corn meal, per bushel sack.....           | 48 "       |
| 10 | Coal, per bushel.....                     | 80 "       |
| 11 | Apples (green), per bushel.....           | 50 "       |
| 12 | Apples (dried), per bushel.....           | 24 "       |
| 13 | Barley, per bushel.....                   | 48 "       |
| 14 | Barley (malt), per bushel.....            | 34 "       |
| 15 | Beans (green or string), per bushel.....  | 24 "       |
| 16 | Beans (white), per bushel.....            | 60 "       |
| 17 | Beans( wax), per bushel.....              | 24 "       |
| 18 | Beans (castor), per bushel.....           | 46 "       |
| 19 | Beets, per bushel.....                    | 60 "       |
| 20 | Blue grass seed, per bushel.....          | 14 "       |
| 21 | Bran, per bushel.....                     | 20 "       |
| 22 | Buckwheat, per bushel.....                | 52 "       |
| 23 | Carrots, per bushel.....                  | 55 "       |
| 24 | Charcoal, per bushel.....                 | 22 "       |
| 25 | Clover seed, per bushel.....              | 60 "       |
| 26 | Coke, per bushel.....                     | 40 "       |
| 27 | Corn (shelled), per bushel.....           | 56 "       |
| 28 | Corn in the ear, per bushel.....          | 70 "       |
| 29 | Cranberries, per bushel.....              | 33 "       |
| 30 | Flax seed, per bushel.....                | 56 "       |



|    |   |          |
|----|---|----------|
| 31 | Hair (plastering, unwashed), per bushel ..... | 8 pounds |
| 32 | Hair (plastering, washed), per bushel.....    | 4 “      |
| 33 | Hemp seed, per bushel.....                    | 44 “     |
| 34 | Lime (unslacked), per bushel.....             | 30 “     |
| 35 | Millet seed, per bushel.....                  | 50 “     |
| 36 | Oats, per bushel.....                         | 32 “     |
| 37 | Onions, per bushel.....                       | 57 “     |
| 38 | Parsnips, per bushel.....                     | 55 “     |
| 39 | Peaches (dried), per bushel.....              | 33 “     |
| 40 | Peas (dried), per bushel.....                 | 60 “     |
| 41 | Potatoes (Irish), per bushel.....             | 60 “     |
| 42 | Potatoes (sweet), per bushel.....             | 55 “     |
| 43 | Red top seed, per bushel.....                 | 14 “     |
| 44 | Rye, per bushel.....                          | 56 “     |
| 45 | Rye (malt), per bushel.....                   | 35 “     |
| 46 | Salt (fine), per bushel.....                  | 50 “     |
| 47 | Salt (coarse), per bushel.....                | 55 “     |
| 48 | Spinach, per bushel.....                      | 12 “     |
| 49 | Timothy seed, per bushel.....                 | 45 “     |
| 50 | Turnips, per bushel.....                      | 55 “     |
| 51 | Wheat, per bushel.....                        | 60 “     |

Sec. 10. Whoever, in buying any of the articles of property mentioned in  
the preceding section, shall take any greater number of pounds thereof to the  
bushel, or barrel, or divisible merchantable quantity of a bushel or barrel, or  
in selling any of said articles, shall give any less number of pounds thereof to  
the bushel or barrel, or divisible merchantable quantity of a bushel or barrel,  
than is allowed by said section, with intent to gain an advantage thereby, ex-  
cept expressly authorized so to do by special contract or agreement to that

8 effect, shall be liable to the party injured in double the amount of the prop-  
 9 erty so wrongfully taken or not given and ten dollars (\$10.00) in addition  
 10 the etc, to be recovered in any form of action, in any court of competent  
 11 jurisdiction.

Sec. 11. All fruits, vegetables, nuts, dry groceries and other similar arti-  
 2 cles of merchandise, when sold by measure, shall, in the absence of a special  
 3 contract or agreement to the contrary, be sold by standard dry measure. Any  
 4 one violating the provisions of this section shall forfeit not less than five dol-  
 5 lars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

Sec. 12. The Secretary of State shall be *ex officio* State sealer of weights  
 2 and measures, and shall have the care and custody of the authorized public  
 3 standards of weights and measures. He shall try and prove, by such stand-  
 4 ards, all weights and measures, scales and beams which may belong to any  
 5 county, city or other municipal corporation, and which may be sent or brought  
 6 to him for that purpose by the county sealer, or by the sealer or inspector of  
 7 weights and measures of any city or other municipal corporation, and shall  
 8 seal such weights and measures, scales and beams, when found to be accurate,  
 9 by stamping on them the letters "ILL." with a seal which he shall have and  
 10 keep for that purpose. He shall also execute and deliver to such sealer or in-  
 11 spector of weights and measures a certificate stating that such weights, meas-  
 12 ures, scales and beams are accurate.

Sec. 13. The county clerk of each county shall be the sealer of weights  
 2 and measures for the county and shall have the care and custody of the county  
 3 standards. He shall procure, at the expense of the county, when authorized  
 4 by the county board, and not already provided, a full set of standard weights  
 5 and measures, scales and beams, which he shall cause to be tried, proved and  
 6 sealed by the State standards by the Secretary of State, as hereinbefore pro-  
 7 vided.

Sec. 14. The several county sealers shall try and prove all weights and  
 2 measures, scales and beams within their respective counties, when requested so  
 3 to do; and when the same are found or made to conform to the legal stand-  
 4 ards, they shall seal and mark such weight and measures, with a seal to be  
 5 kept by them for that purpose.

Sec. 15. The Secretary of State and each county sealer shall be entitled  
 2 to receive for his services, at and after the following rates: For sealing and  
 3 marking every beam, ten cents; for sealing and marking measures of exten-  
 4 sion, at the rate of ten cents per yard, not to exceed fifty cents for any one  
 5 measure; for sealing and marking every weight, two cents; for sealing and  
 6 marking liquids and dry measures, if the same be of the capacity of a gallon  
 7 or more, ten cents; or, if less than a gallon, five cents. They shall also be  
 8 entitled to a reasonable compensation for marking such weights and measures  
 9 conform to the standard establishment by this Act.

Sec. 16. Every county clerk who neglects to have the standards under his  
 2 charge compared and sealed, as required by this Act, or neglects to keep the  
 3 same in good order and repair, or who suffers any of them, through his neg-  
 4 lect, to be lost, damaged or destroyed, shall forfeit to the county not less than  
 5 \$30.00 nor more than \$200.00, to be recovered before any justice of the peace  
 6 or other court of competent jurisdiction in the county.

Sec. 17. The State sealer, or the sealer or inspector of weights and  
 2 measures of any county, city or other municipal corporation in this State,  
 3 shall have the power and authority to seize and hold for use as evidence in  
 4 suit brought under the statutes of this State or under any ordinances or by-  
 5 laws of a municipal corporation of this State, any short measure, or faulty or  
 6 incorrect weight, scale or other instrument used for weighing, or any com-  
 7 modity or article of merchandise sold, offered or exposed for sale which is

8 of less weight or measure than it is represented to be by the vendor, his agent  
 9 or employes. Such short measure, faulty or incorrect weight, scale or other in-  
 10 strument used for weighing, or such commodity or article of merchandise (ex-  
 11 cept perishable commodities or articles which shall have become of no value)  
 12 shall be released and returned to the owner thereof, if no suit against such  
 13 owner is commenced within ten days from the date of such seizure. Any such  
 14 sealer or inspector of weights and measures who shall make any such seizure,  
 15 shall not be liable to the owner of the property seized for damages caused by  
 16 such seizure in any case where, in fact, any such seizure is short, or reasonable  
 17 grounds exist for believing it so to be; or any weight, scale or other instru-  
 18 ment used for weighing is faulty or incorrect, or reasonable grounds exist  
 19 for believing it so to be; or any commodity or article of merchandise is of  
 20 less weight or measure than it is represented, or reasonable grounds exist for  
 21 believing it so to be.

Sec. 18. Any person who shall sell any commodity or article of merchan-  
 2 dise by any of the standard weights or measures hereinbefore established  
 3 or any multiple of fraction thereof, and who shall use in such sale any weights,  
 4 measures, scales, beams, balances or instrument for weighing, other than such  
 5 as conform to said standards, shall forfeit a sum not exceeding two hundred  
 6 dollars for each offense; and when by the custom of trade weights and meas-  
 7 ures are provided by the buyer, if any person shall purchase by any weights,  
 8 measures, scales, beams, balances or other instruments for weighing, other than  
 9 the established standards, he shall be subject to a like penalty.

Sec. 19. An Act to revise the law in relation to weights and measures.  
 2 approved February 27, 1874, and in force July 1, 1874, is hereby repealed.



- 1 Reported from Senate, May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count.



- 1   Reported from Senate, April 30, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to amend an Act entitled “An Act to revise the law in relation to coroners.” approved February 6, 1874, in force July 1, 1874, by adding thereto one new section, to be known as section 10a.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled “An Act to revise the law in relation to coroners,” approved February 6, 1874, in force July 1, 1874, be amended by adding thereto one new section, to be known as section 10a.

Sec. 10a. No person shall remove the dead body of any person from the county in which the same shall be found or lying before obtaining the permission of the coroner of said county where such body is the subject of a coroner’s inquest. Any person who shall violate the provisions of this section

9 shall be deemed guilty of a misdemeanor and upon conviction shall be fined  
10 not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or  
11 imprisoned in the county jail not less than thirty (30) days nor more than  
12 ninety (90) days, or shall suffer both such fine and imprisonment.



- 1    Reported from Senate, April 27, 1909.
- 2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 4 of an Act entitled “An Act concerning land titles,”  
approved and in force May 1, 1897.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 4 of an Act entitled “An Act concern-  
3 ing land titles,” approved and in force May 1, 1897, be amended to read as  
4 follows:

5        Sec. 4. No registrar of titles or deputy registrar, or any partner of such  
6 registrar or deputy registrar, shall be engaged as attorney or counsellor at law  
7 in any matters affecting registration of land or any transfers of registered  
8 land.



- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 202, article VIII, of an Act entitled "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889; as amended by an Act approved April 21, 1899, in force July 1, 1899; and as further amended by an Act approved May 20, 1907, and in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 202, article VIII, of an Act entitled "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889; as amended by an Act approved April 21, 1899, in force July 1, 1899; and as further amended by an Act approved May 20, 1907, and in force July 1, 1907, be amended so as to read as follows:

Sec. 202. For the purpose of establishing and supporting free schools for not less than six nor more than nine months in each year, and defraying all the expenses of the same of every description, for the purpose of repairing and

10 improving school houses, of procuring furniture, fuel, libraries and apparatus,  
11 and for all other necessary incidental expenses in each district, village or city,  
12 anything in any special charter to the contrary notwithstanding, the directors  
13 of such district and the authorities of such village or city shall be authorized  
14 to levy a tax annually upon all the taxable property of the district, village or  
15 city not to exceed two and one-half per cent for educational, and two and one-  
16 half per cent for building purposes (except to pay indebtedness contracted  
17 previous to the passage of this Act), the valuation to be ascertained by the  
18 last assessment for State and county taxes:

19 *Provided*, that in cities having a population exceeding one hundred thou-  
20 sand inhabitants, the board of education may establish and maintain vacation  
21 schools and play grounds under such rules as it shall prescribe.

22 *And, provided, further*, that nothing herein contained shall be held to repeal  
23 or modify the limitations contained in section forty-nine (49) of an Act entitled  
24 "An Act for the assessment of property and providing the means therefor, and  
25 to repeal a certain Act therein named," approved February 25, 1898.

26 *And, provided, further*, that the term "incidental expenses," as herein  
27 used, shall not include any sum expended or obligation incurred for the improve-  
28 ment, repair or benefit of the school buildings or property, but all such sums  
29 and obligations shall be paid from that portion of the tax levied for building  
30 purposes.

31 *And, provided, further*, that no election or petition shall be necessary to  
32 authorize the levy of a tax for the ordinary repair and improvement of school  
33 buildings or grounds or for the payment of any special tax or special assess-  
34 ment levied upon such property.



- 1 Reported from Senate, May 13, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act for the sale to the Iroquois Iron Company of the interest of the State  
of Illinois in certain lands.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the right, title and interest of the State of  
Illinois in and to the land now and heretofore submerged beneath the waters  
of Lake Michigan, and described as follows, shall be granted, quit-claimed and  
conveyed to the Iroquois Iron Company, in fee, that is to say: Beginning at  
the intersection of the northwesterly face of the United States pier on the  
southeasterly side of the Calumet river, with the northeasterly line of dock 1,  
in the Calumet and Chicago Canal and Dock Company's subdivision of  
that part of the northwest fractional quarter of fractional section five (5),  
township thirty-seven (37) north, range fifteen (15) east of the third principal  
meridian, south of the Indian boundary line, lying east of Ewing avenue.

12 thence north (60 degrees, 31 minutes and thirty seconds) sixty degrees thirty-one  
 13 minutes and thirty seconds east, along the northwesterly face of said United  
 14 States pier a distance of (2266.5) two thousand two hundred sixty-six and five-  
 14 tenths feet to the northeasterly end of said pier, being also the United States  
 15 harbor line; thence south (23 degrees, 5 minutes and thirty seconds) twenty-  
 16 three degrees, five minutes and thirty seconds east along said United States  
 17 harbor line, a distance of (1753.48) one thousand seven hundred fifty-three and  
 18 forty-eight hundredths feet, more or less, to a line (1742.59) one thousand seven  
 19 hundred forty-two and fifty-nine one hundredths feet southeasterly, measured  
 20 at right angles from the northwesterly face of said United States pier, and  
 21 parallel therewith; thence south (60 degrees, 31 minutes and 30 seconds) sixty  
 22 degrees, thirty-one minutes and thirty seconds west, along said parallel line,  
 23 a distance of (2003.65) two thousand and three and sixty-five one-hundredths  
 24 feet, more or less, to the northeasterly line of said dock one, at a point (169.1)  
 25 one hundred and sixty-nine and one-tenth feet northwesterly from the inter-  
 26 section of said line with the south line of said northwest fractional quarter;  
 27 thence northwesterly along the northeasterly line of said dock one, a distance  
 28 of (1743.9) one thousand seven hundred forty-three and nine-tenths feet to  
 29 the place of beginning; containing (85.34) eighty-five and thirty-four one-  
 30 hundredths acres in all; subject, however, to all rights and interests of the  
 31 government of the United States, and upon the following conditions:

32 *First*—That the said Iroquois Iron Company shall pay into the treasury  
 33 of the State of Illinois, within sixty days from the passage of this Act, the sum  
 34 of (\$8,534.00) eight thousand, five hundred and thirty-four dollars.

36 *Second*—That not less than five acres of the land aforesaid shall be con-  
 37 veyed at any one time, and that any such part of such lands shall not be so con-  
 38 veyed until the same, not less than five acres in area, shall have been filled in,  
 39 and reclaimed, and raised above the surface of Lake Michigan.

40       *Third* That any part of such land which shall not have been filled in and  
41 reclaimed and raised above the surface of Lake Michigan within fifteen years  
42 from the date that this Act shall go into effect, shall revert to the State, and the  
43 said Iroquois Iron Company shall have no further right by virtue hereof to fill  
44 in and reclaim such part.

45       *Fourth*—That said Iroquois Iron Company shall have free and unobstructed  
46 access from such of said lands as may be filled in and reclaimed as aforesaid to  
47 Lake Michigan, but shall not have any other riparian rights appurtenant thereto.

      Sec. 2. Upon payment being made as above provided and upon the filing in  
2 the office of the Secretary of State, from time to time, of good and sufficient evi-  
3 dence that any part of such lands, not less than five acres in area, has been filled  
4 in and reclaimed as aforesaid, then a patent shall be issued under the great seal  
5 of State, by the Governor and Secretary of State conveying such part of said  
6 lands, but not less than five acres, at any one time, to the said Iroquois Iron  
7 Company, in accordance with the provisions of this Act.





- 1 Reported from Senate, April 30, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act in reference to proof of disputed handwritings.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That comparison of a disputed writing with any  
3 writing proved to the satisfaction of the court to be the genuine handwriting  
4 of any person claimed on the trial to have made or executed the disputed in-  
5 strument or writing shall be permitted to be made by witness, and such writ-  
6 ings and evidence respecting them may be submitted to the court or jury.



- 1   Reported from Senate, May 4, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 2 of an Act entitled "An Act to establish appellate courts," approved June 2, 1877; as amended by an Act entitled "An Act to amend section two (2) of an Act entitled 'An Act to establish appellate courts,' in force July 1, 1877, and Acts amendatory thereof," approved April 22, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Section 2 of an Act entitled "An Act to establish appellate courts," approved June 2, 1877; as amended by an Act entitled "An Act to amend section two (2) of an Act entitled 'An Act to establish appellate courts,' in force July 1, 1877, and Acts amendatory thereof," approved April 22, 1899, hereby is amended to read as follows:

Sec. 2. The terms of said appellate courts shall be held in the several districts as follows: In the first district, at the city of Chicago, on the first Tuesdays in October, December, February, April and June of each year; in the sec-

10 ond district, at Ottawa, in LaSalle county, on the first Tuesdays in April and  
11 October of each year; in the third district, at Springfield, on the third Tues-  
12 days of May and November of each year; in the fourth district, at Mount Ver-  
13 non, on the fourth Tuesdays in February and August of each year. All cases  
14 now or hereafter taken to said appellate court in the first district, and all pro-  
15 cesses of every nature and kind that would stand for hearing or be returnable  
16 to any term of said court in said first district as now fixed by law, shall stand  
17 for hearing and be returnable to the first term of said court in said first dis-  
18 trict as fixed by this Act.



- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to regulate the manufacture, handling and storage of dangerous explosives.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* All persons, firms and corporations within the State  
3 of Illinois, now engaged in manufacturing, selling, handling or storing powder,  
4 dynamite, nitro glycerine compounds, or explosive powder shall, on or  
5 before the first day of September, nineteen hundred and nine, file  
6 with the Chief State Factory Inspector, upon blanks which shall be furnished  
7 by the inspector upon application, a statement of the location of each factory,  
8 store house, magazine, or other place in which such dangerous explosives or  
9 their compounds are manufactured, used or kept on hand, together with the  
10 character of the explosive manufactured, the quantity stored or kept on hand,  
11 the number of persons employed, and the distance such factory, store-house,

12 magazine, or other place is located from the nearest factory, workshop, mer-  
 13 cantile or other establishment, occupied dwelling, church, railroad or public high-  
 14 way, school house or building in which people are accustomed to assemble.  
 15 Each report filed shall be examined by the Chief State Factory Inspector, who  
 16 shall cause an examination of each factory, store-house, magazine or other  
 17 place to be made, and if upon such examination, such factory, store-house,  
 18 magazine or other place in his judgment shall be found to be located at a  
 19 safe distance from such factory, workshop, mercantile or other establishment,  
 20 occupied dwelling, church, railroad or public highway, school house or building  
 21 in which people are accustomed to assemble, and to be so planned and managed  
 22 as to insure as great safety as is consistent with the nature of the business,  
 23 then the Chief State Factory Inspector shall approve the plans and location of  
 24 such factory, store-house, magazine or other place, in which such dangerous ex-  
 25 plosives or their compounds as are manufactured, used or kept on hand.

Sec. 2. Any person, corporation or firm, that shall hereafter engage in  
 2 the business of manufacturing, storing or handling any of the dangerous ex-  
 3 plosives mentioned in section 1 of this Act shall, before engaging in such busi-  
 4 ness, report to the Chief State Factory Inspector, upon blanks to be furnished by  
 5 such chief inspector upon application, the kind and amount of the explosives,  
 6 such person, firm or corporation proposes to handle, together with the draw-  
 7 ings showing the plans of all factories, store-houses, magazines or other place,  
 8 with an accurate statement of the distance such proposed factory, store-house,  
 9 magazine or other place shall be located from the nearest factory, workshop,  
 10 mercantile or other establishment, occupied dwelling, church, railroad or public  
 11 highway, school house, or building in which people are accustomed to assemble.

12 And it shall be unlawful for any person, firm, or corporation to engage in  
 13 such business until such plans are approved by the Chief State Factory Inspec-  
 14 tor, and it shall be unlawful for any person, firm or corporation now engaged

15 in the business of manufacturing, handling or storing any of the dangerous ex-  
16 plosives mentioned in section one (1) of this Act to continue such business  
17 after September first, nineteen hundred and nine, without first complying with  
18 the provisions of this Act.

Sec. 3. No person, firm or corporation covered by the provisions of this  
2 Act, in carrying on any work or process in which any such dangerous explo-  
3 sives are used, shall keep on hand at the place where such work or process  
4 is carried on, a quantity of such dangerous explosives in excess of the amounts  
5 reasonably necessary for immediate use in such work or process.

Sec. 4.. No matches or other igniting substances, unnecessary to the work  
2 or process carried on, shall be carried or kept by any person, in, around or im-  
3 mediately adjacent to any factory, storehouse, magazine or other place in which  
4 such dangerous explosives or their compounds are manufactured, used or kept  
5 on hand.

Sec. 5. When any person, firm or corporation covered by the provisions  
2 of this Act, engaged in quarrying, blasting, wrecking or construction work, fails  
3 to comply with the provisions of this Act, the Chief State Factory Inspector,  
4 or his deputy, may, upon notice, require such person, firm or corporation, to  
5 immediately discontinue such quarrying, blasting, wrecking or construction  
6 work until such person, firm or corporation shall comply with the provisions of  
7 this Act; and it shall be the duty of the Chief State Factory Inspector to  
8 enforce the provisions of this Act and prosecute all violations hereof, and for  
9 that purpose he is hereby authorized and empowered, in person or by deputy,  
10 to visit and inspect, at all reasonable times, all factories, store houses, maga-  
11 zines or other places in which dangerous explosives or their compounds are  
12 manufactured, used or kept on hand.

Sec. 6. Every person, firm or corporation covered by the provisions of this  
2 Act shall cause to be posted in every factory, store house, magazine or other  
3 place where dangerous explosives or their compounds are manufactured, used  
4 or kept on hand, a notice covering the principal provisions of this Act, which  
5 notice shall be printed in English and such other languages as may be neces-  
6 sary to disseminate a general knowledge of the provisions of the Act, and be  
7 prepared and furnished by the Chief State Factory Inspector to any such per-  
8 son, firm or corporation upon application.

Sec. 7. Any person, firm or corporation who shall engage in the business  
2 of manufacturing, storing or handling of the dangerous explosives mentioned  
3 in this Act, on or after September first, nineteen hundred and nine, without  
4 first complying with the provisions of this Act, or who shall violate any of the  
5 provisions hereof, shall be guilty of a misdemeanor, and upon conviction shall  
6 be fined not less than twenty-five dollars nor more than one thousand dollars.



- 1   Reported from Senate May 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 22 of an Act entitled “An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13, 14, 1903, in force July 1, 1903, as amended by Acts approved May 12, 13, 16, 1905, in force July 1, 1905, and as amended by Acts approved May 17, 18, 25, 27, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 22 of an Act entitled “An Act to revise

3 the laws in relation to coal mines and subjects relating thereto, and providing

4 for the health and safety of persons employed therein,” approved April 18,

5 1899, in force July 1, 1899, as amended by Acts approved May 13, 14, 1903, in

6 force July 1, 1903, and as amended by Acts approved May 12, 13, 16, 1905, in

7 force July 1, 1905, and as amended by Acts approved May 17, 18, 25, 27, 1907, in  
8 force July 1, 1907, be, and the same is hereby amended to read as follows:

9       Sec. 22. No boy under the age of 16 years, and no woman or girl of any  
10 age shall be permitted to do any manual labor in or about any mine.

- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend sections 2, 3 and 6 of an Act entitled, “An Act to provide for the creation of art commissions in cities and to define their powers,” approved April 24, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3 and 6 of an Act entitled, “An Act to provide for the creation of art commissions in cities and to define their powers,” approved April 24, 1899, in force July 1, 1899, be and the same are hereby amended to read as follows:

Sec. 2. Such commission shall consist of the mayor if such city, the president or chief officer of the principal art institute, or similar incorporated organization, if there be any in such city, and six other members, residents of said city, to be appointed by the mayor. One of said six members shall be a painter, one a sculptor and one an architect; and of the three other members

11 none shall be a painter, sculptor or architect, or member of any other pro-  
12 fession in the fine arts. All of the six last mentioned shall be appointed by  
13 the mayor from a list of not less than three times the number to be appointed,  
14 proposed by the principal art institute or similar incorporated organization, if  
15 there be any in such city. If there shall not be such organization in the city  
16 then the mayor shall appoint without such nomination. In all matters of which  
17 such commission takes cognizance pertaining to work under the special charge  
18 of a commissioner or department, or board of park commissioners, the com-  
19 missioner or head of such department, or the president of such board of park  
20 commissioners, having such special charge shall act as a member of the com-  
21 mission.

22       Sec. 3. The painter, sculptor and architect members of the commission  
23 shall serve for one year, for two years and for three years, as members of such  
24 commission, and shall determine by lot their respective terms of office. The  
25 three other appointed members of the commission shall also determine by lot,  
26 one, two and three year terms of office; and after the expiration of said terms  
27 of office of all said appointive members respectively, their successors shall be  
28 appointed for a term of three years in each case. All appointments to fill va-  
29 cancies shall be for the unexpired term.

30       In case any vacancies shall occur in the commission for any reason, the  
31 vacancy shall be filled by appointment as provided in the preceding section.  
32 In case the principal art institute or similar incorporated organization, if  
33 there be any in such city, shall fail to present a list of nominees as aforesaid  
34 within three months from the time when any appointment is to be made, the  
35 mayor shall appoint without such nomination.

36       Sec. 6. Hereafter no work of art shall become the property of such city  
37 by purchase, gift or otherwise, nor shall any money be expended for its acqui-  
38 sition or construction unless such work of art, or a design of the same, together



39 with a statement of the proposed location of such work of art, shall first have  
40 been submitted to and approved by the commission; nor shall such work of  
41 art until so approved, be erected or placed in or upon, or allowed to extend  
42 over or upon any street, avenue, square, common, municipal building or  
43 other place belonging to such city, or any park, boulevard or public ground  
44 situated within the limits of such city. The commission may, when they deem  
45 proper, also require a complete model of the proposed work of art to be sub-  
46 mitted. The term "work of art" as used in this connection, shall apply to  
47 and include all paintings, mural decorations, stained glass, statues, bas re-  
48 liefs, or other sculptures, ornaments, fountains, images or other structure of  
49 a permanent character intended for ornament or commemoration. The term  
50 "municipal building," as used in this connection, shall include all public  
51 schools and all buildings or portions thereof, and all grounds used for school  
52 purposes in such city. No existing work of art in the possession of the city,  
53 or in any parks, boulevards, public grounds, school buildings or school grounds  
54 aforesaid, shall be removed, relocated, or altered in any way without the simi-  
55 lar approval of the commission, except as provided in section 8 of this Act.  
56 The commission shall act in a similar capacity with similar powers in respect  
57 of designs of buildings, bridges, approaches, gates, fences, lamps or other  
58 structures erected or to be erected upon land belonging to the city or a part  
59 of any of the parks, public grounds or boulevards within the limits of such  
60 city, and in respect of the lines, grades and platting of the public ways and  
61 grounds, and in respect of the arches, bridges, structures and approaches which  
62 are the property of any corporation or private individual, and which shall ex-  
63 tend over or upon any street, avenue, highway, boulevard, park or other public  
64 place belonging to or within the limits of such city, and said commission shall  
65 so act and its approval shall be required for every structure which shall here-  
66 after be erected or contracted for except that in case of any such structures which  
67 shall hereafter be erected or contracted for at a total expense not exceeding

68 two hundred thousand dollars, the approval of said commission shall not be  
69 required if the mayor or the common council shall request said commission not  
70 to act. The commission shall report in writing annually to the mayor of the  
71 city. But this section shall not be construed as impairing the power of any  
72 park board to refuse its consent to the erection or acceptance of public monu-  
73 ments or memorials or other works of art or structures of any sort within any  
74 park, boulevard or other public ground under their control in such city.

1 Reported from Senate, May 6, 1909.

2 Read by title ordered printed and to a first reading.

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## A BILL

For an Act to create a State Art Commission and to define its powers and duties.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That there is hereby created a commission to be  
3 known as the State Art Commission of the State of Illinois.

Sec. 2. Said commission shall consist of two (2) painters, two (2) sculp-  
2 tors, two (2) architects and two (2) other persons not engaged in any of the  
3 aforesaid pursuits, all to be citizens and residents of the State of Illinois, who  
4 shall be appointed by the Governor with the advice and consent of the Senate;  
5 and of the Governor who shall be a member of said commission by virtue of  
6 his office. The Governor shall in the first instance appoint one (1) painter,  
7 one (1) sculptor, one (1) architect and one (1) other person whose terms of  
8 office shall expire two years from July 1, 1909, and one (1) painter, one (1)

9 sculptor, one (1) architect and one (1) other person whose terms of office  
10 shall expire four years from July 1, 1909; and thereafter the terms of office  
11 of the members of said commission shall be four years: *Provided*, that if a  
12 vacancy occur for any reason in said commission the Governor shall appoint  
13 a person of the same class to fill said vacancy who shall serve until the end  
14 of the unexpired term of his predecessor.

Sec. 3. Said commission shall serve without compensation and shall have  
2 power to adopt its own rules and to elect such officers from its own members  
3 as may be deemed proper. Five (5) commissioners shall constitute a quorum  
4 for all purposes.

Sec. 4. It shall be the duty of the commission to act in an advisory ca-  
2 pacity relative to the creation, acquisition, construction, erection or remodelling  
3 by the State, or upon any land owned by the State, of any work of art, and  
4 relative to the artistic character of any building constructed, erected or remod-  
5 eled by the State, or upon land owned by the State; and when, upon the request  
6 of the Governor, there shall be submitted to said commission any plan, pro-  
7 posal or offer relating or looking to the creation, acquisition, construction, erec-  
8 tion or remodelling by the State, or on land or in a building owned by the State,  
9 of any work of art, or relating to the erection, construction or remodelling of  
10 a building to be owned by the State or on State land, and said plan, proposal  
11 or offer is accompanied by such designs, descriptions, specifications, drawings  
12 or models as shall be sufficient to enable the commission to determine the artis-  
13 tic character of said work of art or of said building, it shall be the duty of  
14 the commission to file with the Governor within sixty days from the submis-  
15 sion of the matter descriptive of said work of art or buildings, its opinion,  
16 either approving or condemning the same; to which the commission may add  
17 such suggestions and recommendations as it deems proper; and the term "build-



18 ing'' shall include structures intended for human occupation and use, and also  
19 all bridges, arches, gates, walls or other permanent structures of any charac-  
20 ter; and the term "work of art" as used herein is intended to include any  
21 painting, portrait, mural decoration, stained-glass, statue, bas-relief, ornament,  
22 fountain or any other article or structure of a permanent character intended  
23 for decoration or commemoration.



- 1   Reported from Senate, April 30, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 5 of an Act entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 5 of "An Act to authorize cities, incor-  
3 porated towns and townships to establish and maintain free public libraries  
4 and reading rooms," approved and in force March 7, 1872, be and the same  
5 is hereby amended to read as follows:

6      Sec. 5. Said directors shall, immediately after appointment, meet and or-  
7 ganize by the election of one of their number president, and by the election of  
8 such other officers as they may deem necessary. They shall make and adopt  
9 such by-laws, rules and regulations for their own guidance and for the govern-  
0 ment of the library and reading room as may be expedient, not inconsistent

11 with this Act. They shall have the exclusive control of the expenditure of all  
12 moneys collected to the credit of the library fund, and of the construction of  
13 any library building, and of the supervision, care and custody of the grounds,  
14 rooms or buildings constructed, leased or set apart for that purpose: *Pro-*  
15 *vided*, that all moneys received for such library shall be deposited in the treas-  
16 ury of said city to the credit of the library fund, and shall be kept separate  
17 and apart from other moneys of such city, and drawn upon by the proper offi-  
18 cers of said library, upon the properly authenticated vouchers of the library  
19 board. Said board shall have power to purchase or lease grounds, to occupy,  
20 lease or erect an appropriate building or buildings for the use of said library;  
21 shall have power to appoint a suitable librarian and necessary assistants, and  
22 fix their compensation, and shall also have power to remove such appointees;  
23 and shall, in general, carry out the spirit and intent of this Act, in establish-  
24 ing and maintaining a public library and reading room.



1    Reported from Senate May 20, 1909.

2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 32, 33 and 37 of an Act entitled, "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an Act approved June 3, 1897, and in force July 1, 1897, and an Act approved June 22, 1885, in force July 1, 1885, respectively, as amended by an Act approved May 18, 1905, in force July 1, 1905.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That sections 32, 33 and 37 of an Act entitled, "An  
3 Act in regard to elections, and to provide for filling vacancies in elective of  
4 fices," approved April 3, 1872, in force July 1, 1872, as amended by an Act ap-  
5 proved June 3, 1897, in force July 1, 1897, and an Act approved June 22, 1885,  
6 in force July 1, 1885, respectively, as amended by an Act approved May 18,  
7 1905, in force July 1, 1905, be and the same are hereby amended so as to read  
8 as follows:

9       Sec. 32. In counties not under township organization, the county board of  
10 commissioners shall at its regular (or at a special) meeting in the month of  
11 June or July in each year, appoint in each election precinct or district, as the  
12 case may require (where judges have not been elected therein) three capable  
13 and discreet electors to be judges of election. No more than two persons of the  
14 same political party shall be appointed judges of the same election district or  
15 undivided precinct. The appointment shall be made in the following manner:  
16 The members of said county board of commissioners who represent the politi-  
17 cal party having the greatest number of votes on said county board of com-  
18 missioners, being less than the whole number, shall select (and the county  
19 board of commissioners shall appoint such selection when made) two persons,  
20 who are legal voters, as judges of election in each election precinct or district  
21 in said county which gave in the preceding general election in said election pre-  
22 cinct or district the higher number of votes to said political party having the  
23 greatest number of votes upon said county board of commissioners, and shall  
24 also select one person, who is a legal voter, as judge of election in each of the  
25 other election precincts or districts in said county, which at the preceding gen-  
26 eral election gave in said election precinct or district, the second higher num-  
27 ber of votes to said political party having the greatest number of votes on  
28 said county board of commissioners. The member of the county board of  
29 commissioners who represents the political party having the next highest num-  
30 ber of votes upon said county board of commissioners shall have the power and  
31 authority to select (and the county board of commissioners shall appoint such  
32 selection when made) two persons who are legal voters as judges of election in  
33 each election precinct or district, which at the preceding general election gave  
34 in said election precinct or district, the higher number of votes to said political  
35 party having the next highest number of votes upon said county board of com-  
36 missioners and said member of the county board of commissioners representing  
37 said political party having the next highest number of votes upon said county

38 board of commissioners shall also select, and the county board of commis-  
39 sioners shall appoint the said selection, when made, one person, who is a legal  
40 voter, as judge of election in each of the other election precincts or districts  
41 in said county. In case the three members of the county board of commis-  
42 sioners represent three different political parties, then in that case, the member  
43 of the county board of commissioners representing the political party casting  
44 the highest number of votes at the preceding general election in any election  
45 precinct or district shall select the two judges of election to serve in such elec-  
46 tion precinct or district, and the member of the county board of commission-  
47 ers who may represent the political party casting the next highest number of  
48 votes at the preceding general election in any election precinct or district, shall  
49 select the one judge of election to serve in such election precinct or district:  
50 *Provided*, that if any county board of commissioners shall be composed of mem-  
51 bers who belong to any one political party entirely, then in that case the chair-  
52 man of the county central committee of the political party casting the highest  
53 or next highest number of votes at the last preceding general election in each  
54 election precinct or district shall select the two judges of election, or the one  
55 judge of election, as the case may be, and the county board of commissioners  
56 shall appoint the said judge or judges of election so selected by the chairman of  
57 the above mentioned county central committee. Said election judges shall hold  
58 their office for one year from their appointment, and until their successors are  
59 duly appointed in the manner heretofore provided. The said county board of  
60 commissioners shall fill all vacancies in said office of judge of election at any  
61 time in the manner heretofore provided.

62       Sec. 33. In counties under township organization the county board shall,  
63 at its regular (or at a special) meeting in the month of June of each year, ex-  
64 cept when such judges and clerks are appointed by election commissioners, ap-  
65 point in each election precinct or district in the county, three capable and dis-



66 creet electors to be judges of election, and who shall possess the qualifications  
 67 required by this Act for such judges. No more than two persons of the same  
 68 political party shall be appointed judges in the same election district or un-  
 69 divided precinct. The town supervisor shall be appointed as one of the judges  
 70 of election in the district or precinct in which he resides. The appointment of  
 71 the remaining judges of election in the various election precincts and districts  
 72 shall be made in the following manner:

73 The members of the county board of supervisors belonging to the political  
 74 party having the greatest number of votes upon said county board of super-  
 75 visors shall select (and the county board shall appoint the selection so made)  
 76 the majority of the election judges in each election district or precinct in each  
 77 township in which said political party cast the highest number of votes at the  
 78 preceding general election for *Secretary of State*, and shall also select ( and  
 79 the county board shall appoint the selection so made) the minority judge of elec-  
 80 tion in each election district or precinct in each township in which said political  
 81 party cast the second highest number of votes for *Secretary of State* at the  
 82 preceding general election. The members of the county board of supervisors  
 83 belonging to the political party having the second greatest number of votes  
 84 upon said county board of supervisors shall select (and the county board shall  
 85 appoint the selection so made) the majority of the election judges in each elec-  
 86 tion district or precinct in each township in which said political party cast the  
 87 highest number of votes at the preceding general election for *Secretary of State*,  
 88 and shall also select (and the county board shall appoint the selection so made)  
 89 the minority election judge in the election district or precinct in each town-  
 90 ship in which said political party cast the second highest number of votes at the  
 91 preceding general election for *Secretary of State*: *Provided*, that if the county  
 92 board of supervisors shall be composed of members who belong to any one po-  
 93 litical party entirely, then, in that case, the chairman of the county central  
 94 committee of the other political party casting the next highest number of votes



95 in said county at the preceding general election is hereby empowered and au-  
96 thorized to make the selection of the minority judge of election, who shall  
97 serve in each of the election districts or precincts in said county, and the mem-  
98 bers of the county board of supervisors are hereby directed to make the ap-  
99 pointment of said minority judges of election for each election district or pre-  
100 cinct as selected by the chairman of the above mentioned county central committee:  
101 *And, provided, further,* that where the county board shall be equally divided  
102 and two political parties shall be represented by an equal number of members,  
103 the selection and appointment of such judges of election shall be made as in the  
104 case where there is a majority of members on the county board belonging to  
105 one political party. The members representing the political party casting the  
106 highest number of votes in a township at the preceding election for *Secretary*  
107 *of State* shall select the majority judges of election in said township, and the  
108 members representing the political party that cast the second highest number  
109 of votes at the preceding election for *Secretary of State* in said township shall  
110 select the minority judges of election in said township, and the county board  
111 shall appoint the selection so made: *And, provided, further,* that where a super-  
112 visor shall be elected in a township, said supervisor representing a political  
113 party that neither has the highest nor second highest number of votes for  
114 members on the said county board the said supervisor shall be authorized and  
115 empowered to select a majority of the judges of election in the precincts or  
116 election districts in said township, such persons to represent the same political  
117 faith or belief as said supervisor, and the county board shall appoint the selec-  
118 tion so made. The members of the county board representing the political  
119 party casting the second highest number of votes in said township at the pre-  
120 ceding general election for *Secretary of State* shall select the minority judges  
121 of election in said township and the county board shall appoint the selection so  
122 made. Such judges of election shall hold their office for one year from their

123 appointment and until their successors are duly appointed in the manner here-  
124 inbefore provided. The said county board of supervisors shall fill all vacan-  
125 cies in said office of judges of elections at any time, in the manner hereinbefore  
126 provided.

127       Sec. 37. Each judge of election shall choose a person having the qualifica-  
128 tions of a judge of election, to act as clerk of election, who may continue to  
129 act as such during the pleasure of the judge making such appointment.

- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled "An Act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, amended by an Act approved May 25, 1877, in force July 1, 1877, amended by an Act approved June 14, 1883, in force July 1, 1883, amended by an Act approved and in force March 3, 1905, by adding thereto the following to be designated as section 2, section 3 and section 4, respectively.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That "An Act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, as amended by an  
3 Act approved May 25, 1877, in force July 1, 1877, as amended by an Act approved June 14, 1883, in force July 1, 1883, as amended by an Act approved  
4 and in force March 3, 1905, be and the same hereby is amended by adding there-  
5 to the following, to be designated as section 2, section 3 and section 4, respec-  
6 tively:  
7  
8

9       Sec. 2. Where there is now, or may hereafter be established and maintained  
10 by towns or townships, cemeteries, as provided in this Act, the corporate au-  
11 thorities of such town or townships are hereby authorized to receive in trust  
12 from the proprietors or owners of any lot or ground, or any other persons, by  
13 gift, or bequest, real or personal property, or the income and avails of prop-  
14 erty, which shall be conveyed in trust to them, for the improvement, mainte-  
15 nance, repair, preservation, and ornamentation of such lot or lots, vault or  
16 vaults, tomb or tombs, of such cemetery, as may be designated by the terms  
17 of such gift or bequest, and such corporate authorities shall keep such trust  
18 fund invested in safe interest or income bearing securities, the income from  
19 which shall be used for the purposes aforesaid.

20       Sec. 3. The trust fund, mentioned in section (5a) of this Act, shall be  
21 vested in the trustees of said town or township, and the securities taken there-  
22 fore shall be approved by the county judge of the county wherein such ceme-  
23 tery is located; and said trustees shall once in every two years make an item-  
24 ized report to such judge of all such trust funds in their hands, and the securities  
25 taken therefor.

26       Sec. 4. The trust funds, gifts and bequests mentioned in section (5a) of  
27 this Act shall be exempt from taxation and from the operation of all laws of  
28 mortmain and laws against perpetuities and accumulations.



- 1 Reported from Senate May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend an Act entitled, "An Act providing for the protection and safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the enforcement thereof," approved June 3, 1907, in force July 1, 1907, by amending the title of said Act and sections two (2), three (3), five (5), six (6) and seven (7) of said Act, and by adding a new section to said Act, to be known as section seven-b (7b).

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the title of an Act entitled, "An Act providing for the protection and safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the enforcement thereof," approved June 3, 1907, in force July 1, 1907, and that sections two (2), three (3), five (5), six (6) and seven (7) of said Act be and same are hereby amended so as to read as fol-

8 lows; and that said Act be further amended by adding thereto a new section,  
9 to be known as section seven-b (7b), as follows:

10 "An Act providing for the protection and safety of persons in and about  
11 the construction, *maintenance*, repairing, alteration or removal of buildings,  
12 bridges, viaducts and other structures, and to provide for the enforcement  
13 thereof."

14 Sec. 2. If in any house, building or structure in process of erection or  
15 construction in this State (except a private house, used exclusively as a private  
16 residence), the distance between the enclosing walls is more than twenty-four  
17 (24) feet, in the clear, there shall be built, kept and maintained, proper in-  
18 termediate supports for the joists, which supports shall be either brick walls  
19 or iron or steel columns, beams (trusses) or girders; and the floors in all such  
20 houses, buildings or structures in process of erection and construction shall  
21 be designed and constructed in such manner as to be capable of bearing in  
22 all their parts, in addition to the weight of the floor construction, partitions  
23 and permanent fixtures and mechanisms that may be set upon the same, a live  
24 load of fifty (50) pounds for every square foot of surface in such floors;  
25 and it is hereby made the duty of the owner, lessee, builder or contractor or  
26 sub-contractor of such house, building or structure, or the superintendent or  
27 agent of either, to see that all the provisions of this section are complied  
28 with.

29 Sec. 3. It shall be the duty of the owner of every house, building or  
30 structure (except a private house, used exclusively as a private residence, of  
31 *two stories in height or less*) now under construction, or hereafter to be con-  
32 structed, to affix and display conspicuously on each floor of such building, during  
33 construction, a placard, stating the load per square foot (foot) of floor sur-  
34 face which may with safety be applied to that particular floor during suc-

25 construction; or, if the strength of different parts of any floor varies, then  
36 there shall be such placards for each varying part of such floor. It shall be  
37 unlawful to load any such floors, or any part thereof, to a greater extent than  
38 the load indicated on such placards; and all such placards shall be verified  
39 and approved by the State Factory Inspector, a deputy factory inspector or  
40 by the local commissioner inspector of buildings or other proper authority in  
41 the city, town or village charged with the enforcement of building laws.

42       Sec. 5. That any person, firm or corporation in this State, hiring, em-  
43 ploying or directing another to perform labor of any kind, in the erecting,  
44 repairing, altering or painting of any water pipe, stand pipe, tank, smoke  
45 stack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any  
46 scaffold, staging, swing, hammock, support, temporary platform or other similar  
47 contrivance are required or used in the performance of such labor; shall keep  
48 and maintain at all times, while such labor is being performed and such me-  
49 chanical device is in use or operation a safe and proper scaffold, stay, sup-  
50 port or other suitable device, not *more* than sixteen (16) feet below such work-  
51 ing scaffold, staging, swing, hammock, support or temporary platform, when  
52 such work is being performed at a height of thirty-two (32) feet (or more) for  
53 the purpose of preventing the person or persons performing such labor from  
54 falling, in case of any accident to such working scaffold, staging, swing, ham-  
55 mock, support or temporary platform.

56       Sec. 6. All contractors and owners, when constructing buildings in cities,  
57 where the plans and specifications require the floors to be arched between the  
58 beams thereof, or where the floors of (or) filling in between the floors are fire-  
59 proof material or brick work, shall complete the flooring or filling in as  
60 the building progresses, to *at least the second floor* below that on which the  
61 iron work is being erected. If the plans and specifications of such buildings

do not require filling in between the beams of floors with brick or fire-proof material, all contractors for carpenter work in course of construction shall lay the under flooring thereof, or a safe temporary floor, on each story as the building progresses to within *at least* two stories or floors below the one to which such building has been erected. Where double floors are not to be used, such owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in the course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier or iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

*Provided, that if for any reason the fire-proof floors cannot be constructed to within two tiers or beams below that on which the iron or steel work is being erected, the contractor or owner shall thoroughly cover with plank each second floor until such time as it is possible to complete the permanent floors.*

Sec. 7. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a substantial barrier or railing at least four feet in height. *All stairway, elevator or other floor openings shall be properly enclosed and guarded, and all elevator openings, when not in use, shall be securely closed or covered.* Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the



90 construction of such building to place such hoisting machine or engine on some  
 91 floor above the ground floor, such machine or engine must be properly and  
 92 securely supported with a foundation capable of safely sustaining twice the  
 93 weight of such machine or engine. If a building in course of construction is  
 94 five stories or more in height, no material needed for such construction shall be  
 95 hoisted or lifted over public streets or alleys unless such street or alley shall  
 96 be barricaded *or properly protected for the use of the public*. The chief offi-  
 97 cer in any city, town or village charged with the enforcement of local building  
 98 laws, and the State Factory Inspector are hereby charged with enforcing the  
 99 provisions of this Act: *Provided*, that in all cities in this State, where a local  
 100 building commissioner is provided for by law, such officer shall be charged  
 101 with the duty of enforcing the provisions of this Act; and in case of his fail-  
 102 ure, neglect or refusal, *for the period of twenty-four (24) hours to enforce the*  
 103 *provisions hereof*, the State Factory Inspector shall, pursuant to the terms of  
 104 this Act, enforce the provisions thereof.

105       Sec. 7b. *On any through truss or bascule bridge in the course of con-*  
 106 *struction in this State, it shall be the duty of the contractor in charge of the*  
 107 *erection to plank over the floor or false work over which men are required*  
 108 *to pass while engaged in such construction work. On bascule bridges built*  
 109 *in a vertical or diagonal position, it shall be the duty of the contractor to*  
 110 *cover with plank, so far as practicable, at each panel joint as the work pro-*  
 111 *gresses.*



1 Reported from Senate May 25, 1909.

2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act to appropriate fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary for the purpose of paying for additional improvements for and in connection with the construction of the Seventh Infantry, Illinois National Guard, armory, situated in the city of Chicago, State of Illinois.

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### SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000.00),  
3 or so much thereof as may be necessary is hereby appropriated for the purpose  
4 of paying for additional improvements for and in connection with the construc-  
5 tion of the Seventh Infantry, Illinois National Guard, armory, situated in the  
6 city of Chicago, State of Illinois, and for the purpose of constructing an addi-  
7 tional story over the boiler, fan and toilet room for target practice and install-  
8 ing fan system, finishing four rooms in towers, purchasing individual enlisted  
9 men's lockers, and for such other and further improvements as the Adjutant  
10 General may determine.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrant for the sum herein specified, upon the presentation of  
3 proper vouchers, certified to by the Adjutant General and approved by the  
4 Governor, and the Treasurer shall pay the sum of money hereby appropriated.



- 1   Reported from Senate, May 6, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 5 of an Act entitled "An Act to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875; as amended by an Act approved May 25, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 5 of an Act entitled "An Act to regulate the State charitable institutions and the State reform school, and improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875; as amended by an Act approved May 25, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

Sec. 5. The object of the Soldiers' Orphans' Home shall be to provide for the nurture and intellectual, moral and physical culture of all indigent children whose fathers served in the army or navy of the United States, and have

10 died or been disabled by reason of wounds or disease received therein or have  
11 since become disabled or died; that there shall be received into said institu-  
12 tions, first, children who are under the age of five years, who are in indigent  
13 circumstances and then, if the means appropriated by the State will justify it,  
14 indigent children above that age and below the age of fourteen years shall be  
15 received, and then, if the means provided will justify, all other indigent or-  
16 phans of such soldiers may be received, but none over the age of sixteen years  
17 shall be received, at which age all children shall be discharged therefrom, ex-  
18 cept girls who may be retained until they are eighteen years old, and the trus-  
19 tees may discharge at any time any child for persistent violation of rules of  
20 said home, or whom in their judgment it is necessary for the best interests and  
21 good government of the same; and the said trustees shall have the authority  
22 to procure permanent homes for any orphan child admitted to the home, and  
23 also for any child by first obtaining the consent of the parents, if either of  
24 them is living and can be found; and said trustees shall make such rules and  
25 regulations in regard to the manner of making contracts with any responsi-  
26 ble parties who may take any of said children to raise: *Provided*, that in spe-  
27 cial cases of peculiar inability of any child to support itself, the trustees may  
28 retain such child, although over the age of sixteen, and until the child has  
29 reached the age of eighteen years: *Provided*, when all of the above children  
30 have been admitted who have made application and there is room to accom-  
31 modate more children, then any dependent orphan child under the age of ten  
32 years who is sound in mind and has been a resident of this State for four  
33 years or more shall be admitted to said institution. The children who are in-  
34 mates of county almshouses shall be provided for first. Then, if there still be  
35 available room in the home, other dependent children within the meaning of  
36 this section may be admitted. It shall be the duty of the superintendent or  
37 keeper of each almshouse in each county in the State of Illinois, wherein any

38 child or children within the meaning of this Act is or are kept, to file with the  
39 county judge of the said county in which said almshouse is located, an appli-  
40 cation for the admission of such child or children into the Illinois Soldiers'  
41 Orphans' Home, whereupon the county judge shall forward such application  
42 to the superintendent of the Illinois Soldiers' Orphans' Home with such com-  
43 ment as he sees fit to make. It shall be the duty of the superintendent of the  
44 Illinois Soldiers' Orphans' Home upon receipt of such application to provide  
45 forthwith for the admission of any child or children, within the meaning of  
46 this Act, in the order that the applications are received by him from the  
47 county judges. Upon the receipt of such application, or applications, he shall  
48 certify to the county judge or judges that there is or is not room in the home  
49 for said child or children. If there be room for any such child or children the  
50 county judge or judges, upon receipt of such certification from the superin-  
51 tendent, shall forthwith commit such child or children to the said home. The  
52 expense of the transfer of a child or children, within the meaning of the pro-  
53 visions of this section, from the county to the home, shall be borne by the  
54 county from which said child or children is or are sent. It shall be the duty  
55 of the superintendent of the Illinois Soldiers' Orphans' Home to place chil-  
56 dren admitted to said home, as provided herein, in private homes whenever  
57 applications are made by worthy and responsible people. He shall make a re-  
58 port annually of each child so placed and of the school work and health and  
59 general condition of each child in his report to the Board of State Commis-  
60 sioners of Public Charities.





- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act providing for a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That all courts having criminal and quasi criminal  
3 jurisdiction, shall have power to deal in the manner hereinafter provided with  
4 all offenders, whether adult or juvenile, brought within the jurisdiction of said  
5 courts, respectively for any of the offenses hereinafter specified, but that this  
6 Act shall not be construed as limiting or repealing an Act entitled, "An Act  
7 to regulate the treatment and control of dependent, neglected and delinquent  
8 children," approved April 21, 1899, in force July 1, 1899, or the Acts amendatory thereof, or as restricting the jurisdiction conferred by said Act.

Sec. 2. Any defendant, adult or juvenile, who has never previously been convicted of any crime or misdemeanor, who has entered a plea of guilty or been found guilty by the verdict of a jury or the finding of a court of any of the hereinafter enumerated offenses or crimes, may after a motion for a new trial has been overruled, and nothing remains to be done by the court except to pronounce sentence, request the judge, who presided at his trial, to be paroled according to the provisions of this Act. Power to parole shall, however, be limited to the following offenses:

*First*—All violations of municipal ordinances.

*Second*—All misdemeanors, except as hereinafter limited.

*Third*—The obtaining of money or property by false pretenses, where the value thereof is less than two hundred dollars (\$200).

*Fourth*—Larceny, embezzlement and malicious mischief where the property taken or converted or the injury done does not exceed two hundred dollars (\$200) in value.

*Fifth*—Burglary, where the amount feloniously taken does not exceed two hundred dollars (\$200) in value and the place burglarized was a place other than a business house, dwelling house or other habitation.

*Sixth*—Attempt to commit burglary when the place attempted to be burglarized was a place other than a business house, dwelling house or other habitation.

*Seventh*—Burglary, when the burglar is found in a building other than a business house, dwelling house or other habitation.

Sec. 3. The request or application of a defendant for parole, if granted, shall be deemed a waiver and release of all errors in the proceedings had, and also to the right of review of the final judgment and sentence that may thereafter be entered thereon: *Provided, however*, that the right to review orders with respect to probation may be exercised as hereinafter provided.

Sec. 4. Orders granting or refusing parole shall be entered of record.

Application for parole may in the discretion of the court be granted if it shall appear to the satisfaction of the court both that there is reasonable ground to expect that the defendant may be reformed and that the interests of society will be subserved. If such application is granted, the judge granting the same shall thereupon enter an order continuing the cause for a period not exceeding three years, and shall, by such order fix and specify the terms and conditions of the probation of such defendant as herein provided. A cause continued pursuant to the provisions of this Act shall be deemed subject to the jurisdiction of the court in which it is pending, or any judge thereof, for the full period of its continuance, during which time orders may be entered with respect to the conditions of probation, or final sentence imposed without the formal setting aside of such order of continuance.

Sec. 5. Parole shall be upon the following conditions:

(1) That the probationer shall not, during the term of his probation, violate any criminal law of the State of Illinois or any ordinance of any municipality of said State.

(2) That if convicted of a felony or misdemeanor he shall not, during the term of his probation, leave the State without the consent of the court (granting his application for probation).

(3) That he shall make a monthly report of his whereabouts, conduct and employment, and furnish such other information relating to the conditions of his parole, as may from time to time be required by rule or order of court, to the probation officer under whose charge he has been placed, and shall appear in person before the court at such time as the court may direct or the rule of court provide.

(4) That he shall enter into a bond or recognizance in such sum as the court may direct, with or without sureties, to perform the conditions imposed.

16 which shall run to the People of the State of Illinois and may be sued on by  
17 any person thereunto authorized by the court for the use of the parties in in-  
18 terest as the same may appear.

19 And the court may impose any one or more of the following additional con-  
20 ditions and no others:

21 (1) That he shall make restitution in whole or in part, immediately or  
22 within the period of probation to the person or persons injured or defrauded.

23 (2) That he shall make contribution from his earnings for the support of  
24 those dependent upon him subject to the supervision of the court.

25 (3) That he shall pay the costs of the proceedings, not exceeding one  
26 dollar per month during the continuance of the probation.

Sec. 6. The court shall have discretionary power to remit such costs as  
2 may be imposed, or any portion thereof. Such costs as may be collected shall  
3 be transmitted to the county treasurer at such times as may be provided by  
4 rules of court.

Sec. 7. At any time during the period of probation, the court may, upon  
2 report by a probation officer or other satisfactory proof of the violation by  
3 the probationer of any of the conditions of his parole, revoke and terminate  
4 the same and issue a warrant for the arrest of the probationer, which war-  
5 rant shall run throughout the State, and may be served by any probation offi-  
6 cer in the State, or by any officer authorized to serve criminal process in any  
7 city or county in the State. Upon the probationer being brought before the  
8 court for violation of his parole, the court may enter a rule upon the proba-  
9 tioner to show cause why his parole should not be terminated and judgment  
10 entered, and sentence imposed upon the original conviction.

11 If, upon the probationer being brought before the court, the court shall be  
12 of the opinion that the interests of justice do not require the imposition of



13 sentence, and that said probationer should be recommitted to the care of the  
14 probation officer, the court may discharge the probationer from arrest, and  
15 may recommit him to the care of the probation officer, subject, however, to  
16 the maximum limitation of the probation period as hereinbefore provided.

17 But if the court shall be of the opinion that the interests of justice re-  
18 quire the imposition of sentence the same shall then be imposed. And in com-  
19 puting the period for which he is to be confined, the time between his release  
20 upon probation and his return to custody shall not be taken to be any part of  
21 the term of the sentence.

Sec. 8. Upon the termination of the probation period, the probation offi-  
2 cer shall report the fact to the court and also the conduct of the probationer  
3 during the period of probation, and the court may thereupon discharge the  
4 probationer from further supervision or extend the probation period, as the cir-  
5 cumstances require: *Provided*, the maximum period of probation herein limited  
6 shall not be exceeded.

7 When a probationer is discharged upon the expiration of the probation  
8 period, or upon its earlier termination by order of the court, entry of the dis-  
9 charge shall be made in the records of the court, and the probationer shall be  
10 entitled to a certified copy thereof.

Sec. 9. Should any probationer found guilty of a misdemeanor or a felony  
2 depart or attempt to depart from this State without the prior leave of the  
3 court that placed him on probation, such act or attempted act shall, of itself,  
4 operate as a termination of his probation and the court shall thereupon enter  
5 final judgment and sentence against him, and he may thereupon be proceeded  
6 against as a fugitive from justice. When rearrested and brought before the  
7 court, the court entering such final judgment shall have power to set the same  
8 aside and proceed in its discretion with respect to such probationer as though  
9 such final judgment had never been entered.

Sec. 10. The circuit court of each of the several counties in this State may  
2 appoint a probation officer to act as such for and throughout the county in  
3 which he shall be appointed. The circuit court of any county may appoint  
4 such number of additional probation officers for such county as the court may  
5 deem to be necessary or advisable: *Provided*, the number of probation officers  
6 to be appointed for any county shall in no event exceed one for every fifty  
7 thousand inhabitants of such county—the school census preceding any appoint-  
8 ment to be the basis for the determination of the number of inhabitants of such  
9 county. Any circuit court, in any county in which there are five or more pro-  
10 bation officers, may also, in its discretion, appoint a chief probation officer in  
11 addition to the number of probation officers herein provided for. Said proba-  
12 tion officers may be male or female, shall be of good character, shall possess  
13 such other qualifications as may be provided by rules to be adopted by such  
14 courts respectively, and may by such rules each be required to give bond in  
15 a sum not exceeding five thousand dollars, conditioned for the faithful dis-  
16 charge of the duties of such probation officer and otherwise as provided by  
17 said rules, such bond to be with such sureties as may be approved by the  
18 court. Said probation officers shall, unless sooner removed, serve as such for  
19 a period of one year from the date of their appointment and until their suc-  
20 cessors shall severally be appointed and qualified, shall be subject to the orders  
21 of the courts appointing them and removable in the discretion thereof by an  
22 order duly entered of record. Said circuit courts may adopt general rules not  
23 inconsistent with the provisions of this Act, and promotive of its letter and  
24 spirit, providing, among other things, for the qualifications of probation offi-  
25 cers, their duties, and such other matters as may seem expedient. In any city  
26 in this State having a population of fifty thousand or less inhabitants, as shown  
27 by the preceding school census, in which city there has been or may hereafter  
28 be established a municipal or city court, such municipal or city court may

29 appoint one probation officer for such municipal or city court, in which case  
 30 the number of probation officers to which any county is entitled as above pro-  
 31 vided, shall be reduced by the number of municipal or city courts in said county  
 32 established for cities having a population of fifty thousand or less inhabitants.  
 33 The remaining probation officers to which any county may be entitled as afore-  
 34 said shall be equally apportioned between the county and the several cities, if  
 35 any therein that severally have a population of more than fifty thousand in-  
 36 habitants. Such probation officers so apportioned to such county shall be ap-  
 37 pointed by the circuit court of said county, and such probation officers so ap-  
 38 portioned to such cities shall be appointed by the municipal or city courts in  
 39 said several cities. The judges of the circuit court of any county and of the  
 40 municipal or city courts therein established for cities having a population of  
 41 more than fifty thousand inhabitants, shall meet as a unit body at such times  
 42 as they deem proper, and at any such meeting may appoint a chief probation  
 43 officer to act as such over all the probation officers appointed by any of said  
 44 courts. Said judges may, at any such meeting, adopt general rules not incon-  
 45 sistent with the provisions of this Act, but promotive of its letter and spirit  
 46 and such other business concerning the subject matter of this Act as to said  
 47 judges may seem proper. Said judges may, at any such meeting, appoint a  
 48 committee of such number of them as they may determine to exercise the min-  
 49 isterial powers of said entire body of judges and the powers of appointment  
 50 and removal of the chief probation officer, such committee to report to the  
 51 entire body of judges at such times as may be required by rules or by spe-  
 52 cific order.

Sec. 11. Any reputable private person, male or female, who shall be of the  
 2 age of twenty-five years or upwards, may be appointed a probation officer.  
 3 Any probation officer heretofore or hereafter appointed under the provisions of  
 4 an Act entitled "An Act to regulate the treatment and control of dependent,



5 and neglected and delinquent children," approved April 21, 1899, in force July  
6 1, 1899, and the amendments thereto, may be appointed a probation officer  
7 and act as such under the provisions of this Act: *Provided, however,* that his  
8 total compensation shall not exceed the maximum amount fixed in this Act.

9 Members of the police force of any city or village, if specially detailed by  
10 their commanding officer to the work, may be appointed probation officers in  
11 said city or village, and in case any police officer is so appointed a probation  
12 officer he shall receive no additional compensation because of such appointment.

13 Volunteer probation officers may be appointed who shall serve without sal-  
14 ary, who shall possess the same powers and duties as other probation officers  
15 appointed pursuant to the provisions of this Act.

16 Before entering upon his office, each probation officer shall take and sub-  
17 scribe an oath before the county clerk of his county to support the constitution  
18 and laws of the United States and of the State of Illinois and faithfully to  
19 perform the duties of his office.

Sec. 12. Probation officers, in the exercise of their official duties, and  
2 sheriffs, constables and police officers, may, anywhere within the State, arrest  
3 on view any probationer found by them violating any of the conditions of his  
4 probation, or the rules and regulations governing the same, and it shall be the  
5 duty of the officer making such arrest immediately to take said probationer be-  
6 fore the court having jurisdiction over him for further order.

Sec. 13. The duties of probation officers shall be:

2 1. To investigate, when required by rule of court or by specific order, the  
3 case of any person arrested or subject to trial who may become entitled to  
4 invoke or who may have invoked the provisions of this Act, and as accurately  
5 and as fully as diligence will enable to ascertain (a) the personal characteris-  
6 ties, habits, associations and previous conduct of such person, (b) the names,  
7 relationship, ages and condition of those dependent upon him for support,



8 maintenance and education, and (c) such other and further facts as may aid the  
9 court as well in determining the propriety of probation as in fixing the condi-  
10 tions thereof. To the end that such investigation may be properly made, a pro-  
11 bation officer commissioned to investigate shall be afforded full opportunity to  
12 confer with the person to be investigated when such person is in custody.

13 2. To report in writing the result of such investigation.

14 3. To preserve complete and accurate records of cases investigated, in-  
15 cluding a description of the person investigated sufficient for identification, the  
16 action of the court with respect to his case and his probation, the subsequent  
17 history of such person if he becomes a probationer during the continuance of  
18 his probation, which records shall be open to inspection by any judge or by  
19 any probation officer pursuant to order of court, but shall not be a public rec-  
20 ord, and its contents shall not be divulged otherwise than as above provided;  
21 except upon order of court.

22 4. To make such other investigations and reports as the court may di-  
23 rect or as may be required by rule.

24 5. To take charge of and watch over all persons placed on probation  
25 under such regulations and for such terms as may be prescribed by the court,  
26 and giving to each probationer full instructions as to the terms of his release  
27 upon probation and requiring from him such periodical reports as shall keep  
28 the officer informed as to his conduct.

29 6. To perform such other duties as are provided for in this Act or by  
30 rules of court and such incidental duties as may be implied from those ex-  
31 pressly required.

Sec. 14. It shall be the duty of the chief probation officer appointed as  
2 provided in this Act, to supervise and control the work of all subordinate pro-  
3 bation officers (including volunteers) under his jurisdiction and control as here-

4 in provided, subject to such rules and regulations as may be adopted by the  
5 court or judges as herein provided, and to supervise the conduct of proba-  
6 tioners to such extent as the court, or said judges and the rules herein pro-  
7 vided for may direct.

8 Any chief probation officer shall have authority to suspend any probation  
9 officer under his supervision for a period not exceeding thirty days, but may  
10 not discharge, and it shall be the duty of such chief probation officer promptly  
11 to file charges against any probation officer so suspended by him with the  
12 court or judges appointing such probation officer, and said court or judges  
13 shall thereupon investigate said charges and may hear evidence, and shall act  
14 thereon as the interests of justice and the good of the probation service may  
15 require.

16 The records concerning probationers shall be kept in one office in each  
17 county under the supervision of the chief probation officer to whom all such  
18 probation officers must report. It shall be the duty of the board of county  
19 commissioners or supervisors of each county in this State in which a chief  
20 probation officer may be appointed, to furnish suitable rooms and accommoda-  
21 tions for said chief probation officer, all probation officers under his jurisdic-  
22 tion and clerical assistants, and for the keeping of said records and such equip-  
23 ment and supplies as may be provided by the board of county commissioners  
24 or supervisors. The number of such clerical assistants shall be determined  
25 by the circuit court or the judges appointing said probation officer as afore-  
26 said. Salaries of said assistants shall be fixed by the board of county com-  
27 missioners or supervisors.

Sec. 15. The amount of compensation to be paid any probation officer or  
2 chief probation officer appointed by any circuit court shall be determined by the  
3 board of commissioners or supervisors of the several counties in which said  
4 officers respectively are appointed, and shall be paid by the county treasurer

5 on the warrant of the county comptroller or other person authorized to issue  
6 warrants on the county treasurer; the amount of compensation to be paid to  
7 any probation officer appointed by any municipal or city court shall be deter-  
8 mined by the city council in which such municipal or city court is situated,  
9 and shall be paid out of the city treasury on warrants drawn for that pur-  
10 pose; the compensation to be paid to any chief probation officer appointed  
11 jointly by the judges of the circuit court of any county and the judges of any  
12 municipal or city court, as provided in section 10 of this Act, shall be equally  
13 apportioned between the county and the cities, the judges of whose courts made  
14 such appointment as aforesaid, and the amount thereof shall be fixed by said  
15 judges and approved by the board of county commissioners or supervisors of  
16 such county and by the city councils of the cities for which said chief proba-  
17 tion officer is appointed as aforesaid: *Provided, however,* that the compensa-  
18 tion paid any chief probation officer in counties of the third class shall not  
19 exceed three thousand dollars (\$3,000) a year; the compensation of not more  
20 than three assistant probation officers in counties of said class shall not ex-  
21 ceed eighteen hundred dollars (\$1,800) a year, and the compensation of any  
22 other probation officer in counties of said class shall in the case of probation  
23 officers of the circuit court be fixed by the county board, and in the case of  
24 probation officers appointed by a municipal or city court by the city council:  
25 *And, provided,* that the compensation of any chief probation officer in counties  
26 of the second class shall not exceed twelve hundred dollars (\$1,200) a year,  
27 and the compensation of any other probation officer in counties of said class  
28 shall not exceed eight hundred dollars (\$800) a year: *And, provided,* that in  
29 counties of the first class the compensation of any probation officer shall be  
30 limited to a per diem of not to exceed three dollars (\$3) per day for such time  
31 only as said officer shall be actually engaged in the discharge of his official du-  
32 ties. Probation officers shall, in counties of said first class, be entitled to their



33 necessary traveling and other expenses incurred in the discharge of their offi-  
34 cial duties, but in counties of the second and third classes no probation offi-  
35 cer shall be entitled to be reimbursed for any traveling expenses unless such  
36 officer shall be called upon to go outside of his county, in which case such offi-  
37 cer shall be reimbursed for his necessary traveling expenses, and the court  
38 having jurisdiction may, by special order duly entered, direct that a probation  
39 officer shall be reimbursed for other expenses incurred in any case pending be-  
40 fore said court. All such expenses, after being certified by the presiding judge  
41 of the circuit court or the committee of judges provided for in section 10 of  
42 this Act and approved by the board of county commissioners or board of su-  
43 pervisors of such county, shall be paid by the county treasurer on warrant by  
44 the proper county officer. No probation officer receiving compensation from  
45 any public funds under the provisions of this Act shall receive any compensa-  
46 tion, gift or gratuity whatsoever from any person, firm or corporation for  
47 doing, or refraining from doing, any official act in any way connected with  
48 his work as probation officer, or in any way connected with any proceeding  
49 then pending or about to be instituted in any court with which said probation  
50 officer has to do. Any probation officer receiving compensation from any pub-  
51 lic funds under the provisions of this Act, who shall receive any compensa-  
52 tion, gift or gratuity whatever from any person, firm or corporation for doing  
53 or refraining from doing any official act in any way connected with his work  
54 as probation officer, or in any way connected with any proceeding then pend-  
55 ing or about to be instituted in any court with which said probation officer has  
56 to do, shall be deemed guilty of a misdemeanor, and may be punished accord-  
57 ingly and may be immediately removed by the court or judges having the  
58 power of removal.

Sec. 16. A defendant who shall have successfully invoked the provisions  
2 of this Act may review, by appeal in the same manner, as near as may be,



3 as in cases of appeal from the circuit courts in misdemeanors, or writ of  
4 error, any order changing, modifying or terminating the probation period.  
5 The appellate courts of this State are hereby given jurisdiction finally to hear  
6 and determine all such appeals and writs of error, and such courts may affirm,  
7 reverse or modify such orders so that the same shall conform to the provi-  
8 sions of this Act, and so that its purposes, and the interests of justice and  
9 society, shall be best subserved.

Sec. 17. Nothing in this Act contained shall be construed in any way as  
2 depriving any person of the right of trial by jury, or as interfering with, or  
3 encroaching upon, the prerogative of the Governor to grant reprieves, commu-  
4 tations and pardons after conviction for all offenses, or with the right of the  
5 Board of Pardons to parole offenders after sentence and conviction, as pro-  
6 vided in the Act entitled "An Act to revise the law in relation to the sentence  
7 and commitment of persons convicted of crime and providing for a system of  
8 parole and to provide compensation for the officers of such system of parole,"  
9 approved April 21, 1899, in force July 1, 1899, and the amendments thereto.

Sec. 18. The invalidity of any portion of this Act shall not affect the va-  
2 lidity of any other portion thereof which can be given effect without such  
3 invalid part.

Sec. 19. Before the provisions of this Act shall become valid and bind-  
2 ing in any county in this State, or in cities where there exist city or munici-  
3 pal courts, the same shall be submitted for ratification to the voters of the  
4 respective counties or cities, as the case may be, at a regular or special elec-  
5 tion, by giving notice of the same, and which notice shall be published in one  
6 or more newspapers in the county or city, as the case may be, at least four  
7 weeks prior to said election, and not less than once a week preceding such

8 election; and if a majority of those voting at such election consent to the  
9 adoption of the provisions of this Act, the same shall become effective and  
10 operative.

11 A separate ballot shall be required to be used at any such election in vot-  
12 ing and shall be substantially as follows:

|   |      |  |
|---|------|--|
| Shall there be a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment? | Yes. |  |
|   | No.  |  |

AMENDMENTS TO

46th Assem. Senate Bill No. 433 in House May 1909

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Adopted May 28, 1909.

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AMENDMENT NO. 1.

Amend Senate Bill No. 433 by inserting after the word "continuance" in line 13 of section 4, the following words: "*Provided, however,* that for all violations of municipal ordinance the period of parole shall not exceed six months."

AMENDMENT NO. 2.

Amend Senate Bill No. 433 by inserting after the word "provide" in line 13, of section 5, the following words: "*Provided,* that paragraph 3; of section 5, shall not apply to cases for violation of municipal ordinances unless the trial judge shall order the probationer to comply therewith."

AMENDMENT NO. 3.

Amend Senate Bill No. 433, section 11, by striking out all of lines 13, 14 and 15.

AMENDMENT NO. 4.

Amend Senate Bill No. 433 by striking out the words "may become" in line 3, of section 13, and insert in lieu thereof the word "is" and by striking out the words "arrested or subject to trial" in line 3 of section 13.

## AMENDMENT NO. 5.

Amend Senate Bill No. 433 by striking out the words "including volunteers" in section 14, line 3.



1 Reported from Senate May 26, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the better protection and safety of employes in foundries where castings of any metallic nature are manufactured.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That all entrances to foundries shall be constructed  
3 and maintained so as to minimize drafts.

Sec. 2. Whenever a foundry is so constructed or operated that smoke,  
2 steam, dust or noxious gases are not promptly carried off by the general  
3 ventilation, exhaust fans shall be provided. No salamanders or open fire-  
4 places shall be used, unless ample provision is made for conveying the gases  
5 arising therefrom directly from the building.

Sec. 3. Foundries shall be reasonably well lighted, throughout working  
2 hours, and reasonably well heated during the cold and inclement weather. Hot

3 water shall be kept available for washing purposes during the season in which  
4 artificial heating is necessary, and facilities shall be provided for drying the  
5 clothing of persons employed therein.

Sec. 4. All passageways in foundries now in operation or hereafter to be  
2 built, shall be constructed and maintained of sufficient width to make them  
3 reasonably safe for the workmen, and no unnecessary obstructions shall be  
4 allowed in such passageways during the hours of casting, and all pits around  
5 furnaces in any such foundry shall be covered with substantial iron gratings.

Sec. 5. All furnaces used for melting brass, copper or alloys, whether they  
2 be operated by gas, oil, coal, coke or any other substance or fuel, shall be  
3 separated from the molding room of said foundry by a substantial wall or  
4 partition, the construction of which shall consist of material other than wood;  
5 and blowers shall be installed in every furnace room of all such foundries for  
6 the purpose of carrying off the poisonous fumes generated by the melting and  
7 pouring of the different brasses and alloys.

Sec. 6. No sinks, cesspools or privies or other places of like nature shall  
2 be built, kept or maintained within any said foundry proper.

Sec. 7. There shall be kept on hand at all times in every foundry a rea-  
2 sonable supply of lime water, sweet oil, vaseline, bandages and absorbent  
3 cotton for use by the workmen in case of burns or accident.

Sec. 8. It is hereby made the duty of each and every State Factory In-  
2 spector to enforce a compliance with the provisions of this Act. The chief  
3 Factory Inspector, or his deputies or any person authorized by him to act as  
4 foundry inspector or deputy foundry inspector, shall be deemed a State Fac-  
5 tory Inspector within the meaning of the Act.

Sec. 9. Any place or establishment where metal castings or cores are  
2 made shall be deemed a foundry within the meaning of this Act.

Sec. 10. Any person who shall violate any of the provisions of this Act,  
2 whether as owner, lessee, manager, agent, servant or employe, shall be deemed  
3 guilty of a misdemeanor, and on conviction thereof in any court of competent  
4 jurisdiction, shall be punished by a fine of not less than fifty dollars nor  
5 more than one hundred dollars, and costs of prosecution, or by imprisonment  
6 in the county jail of not less than one month nor more than three months, or  
7 by both such fine and imprisonment, in the discretion of the court





- 1   Reported from Senate May 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to amend section 8 of “An Act to revise the law in relation to landlord and tenant,” approved May 1, 1873, in force July 1, 1873.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 8 of “An Act to revise the law in re-  
3 lation to landlord and tenant,” approved May 1, 1873, in force July 1, 1873, be  
4 and the same is hereby amended to read as follows:

5      Sec. 8. That a landlord or his agent may, any time after rent is due, de-  
6 mand payment thereof and notify the tenant, in writing, that unless payment  
7 is made within a time mentioned in such notice, not less than five days after the  
8 service thereof, the lease will be terminated. If the tenant shall not within the  
9 time mentioned in such notice, pay the rent due, the landlord may consider the  
10 lease ended, and sue for the possession under the statute in relation to forcible

11 entry and detainer, or maintain ejectment without further notice or demand.  
12 And a claim for rent may be joined in the complaint, and judgment obtained  
13 for the amount of rent found due, in any action or proceeding brought, in an  
14 action of forcible entry and detainer for the possession of the demised prem-  
15 ises, under this section.

- 1   Reported from Senate May 26, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act to protect the health of domestic animals in the State of Illinois, and  
making an appropriation therefor.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
*in the General Assembly:* That the importation or bringing into the State of  
Illinois of any cattle for dairy or breeding purposes is hereby prohibited, ex-  
cepting when such cattle are accompanied by a certificate from an inspector  
of the United States Bureau of Animal Industry, or from an inspector, whose  
competency and reliability are duly certified to by the authorities charged  
with the control of the diseases of domestic animals in the State, territory,  
district, province or country from whence such cattle came, certifying that  
they have been examined and subjected to the tuberculin test and are free  
from tuberculosis. Such certificate shall be in such form as may be prescribed  
by the Board of Live Stock Commissioners of Illinois, and shall include the

12 tuberculin test record of the animals, and shall be made in triplicate, one of  
13 which shall be forwarded by mail to the Board of Live Stock Commissioners of  
14 Illinois, one to go to the railroad or transportation company, to be attached to  
15 the bill of lading for such animals, and one to be given to the purchaser. The  
16 Board of Live Stock Commissioners of Illinois shall adopt such rules as they  
17 may deem necessary for conducting such tuberculin test for the purpose of in-  
18 suring reliable results therefrom.

Sec. 2. No shipment of cattle for dairy or breeding purposes from any  
2 point outside of this State destined to any point within this State, shall be  
3 received or brought within this State by any railroad, steam boat or trans-  
4 portation company, or by any express company, or by any electric line, doing  
5 business in this State, from any person, firm or corporation, or from any con-  
6 necting railroad or transportation company, nor shall any such cattle be brought  
7 within this State from any point outside of this State by any person, firm or  
8 corporation, on the hoof or otherwise, unless the same be accompanied by the  
9 certificate provided for in section 1 of this Act, and unless the regulations re-  
10 stricting such shipments have been fully complied with by the consignor; and  
11 no person, company or corporation shall purchase or receive such animals  
12 unless the same be accompanied by such certificate.

Sec. 3. Any dairy or breeding cattle imported or brought into the State  
2 of Illinois in violation of the provisions of sections 1 or 2 of this Act, or in  
3 violation of any regulation adopted by the Board of Live Stock Commissioners  
4 as herein provided for, shall be placed in quarantine by said Board of Live  
5 Stock Commissioners, and held until tested with tuberculin by and under the  
6 direction of said board, at the expense of the owner, shipper or consignee; and  
7 all expense connected with such quarantine shall be paid by the owner, shipper  
8 or consignee, and together with the costs of conducting the tuberculin test,



9 shall constitute lien on such cattle. Any such cattle that may react to the  
10 tuberculin test shall be slaughtered and examined post mortem under State  
11 supervision as provided by law; and no indemnity shall be allowed the owner,  
12 shipper or consignee, beyond the net proceeds realized from the sale of the  
13 carcass of such reacting animal.

Sec. 4. The Board of Live Stock Commissioners is hereby authorized and  
2 empowered to prohibit or restrict the importation of any domestic animals  
3 into the State of Illinois, whenever in their judgment such measures may be  
4 necessary for the proper protection of the health of the domestic animals of  
5 this State.

Sec. 5. Said board shall have power in like manner to regulate and pro-  
2 hibit the running of any cars or boats into this State or within this State, that  
3 have been used for the transportation of animals affected with any contagious  
4 or infectious disease, or the condition of which may be such as to render them  
5 liable to convey the infection, and to compel the proper disinfection of the  
6 same. Said board shall also have power to regulate and prohibit the importa-  
7 tion into this State or the carrying within this State of hay, straw, fodder or  
8 other commodities, and to regulate and prohibit the importation or carrying  
9 of the carcasses, or any part of the carcasses, of any animals—including the  
10 hides, hoofs, bones and hair—through which any live stock in this State may  
11 become infected.

Sec. 6. The Board of Live Stock Commissioners is hereby charged with  
2 the enforcement of the provisions of this Act, and is authorized and em-  
3 powered to prescribe such rules and regulations as may be necessary for such  
4 purposes.

Sec. 7. Any railroad, steamboat or transportation company, or any express company or electric line, that shall violate any provision of this Act, or any regulation of the Board of Live Stock Commissioners authorized by this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars for each offense.

Sec. 8. Any person or persons that shall by himself or themselves, or by his or their servants or employes, move any such prohibited animals on foot, or over any ferry into this State, or shall violate any provision of this Act or any regulation of the Board of Live Stock Commissioners authorized by this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense and shall be committed to the county jail until such fine and costs are paid.

Sec. 9. All fines recovered under the provisions of this Act shall be paid into the county treasurer of the county in which the suit is brought to recover the same, to be used for county purposes, and it shall be the duty of the State's Attorneys in their respective counties to prosecute for all violations of this Act.

- 1   Reported from Senate May 13, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act amending section 39 of an Act entitled, "An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties, and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Section 39 of an Act entitled, "An Act to prevent  
3 fraud in the sale of dairy products, their imitation or substitutes, to prohibit  
4 and prevent the manufacture and sale of unhealthful, adulterated or mis-  
5 branded food, liquors or dairy products, to provide for the appointment of a

6 State Food Commissioner and his assistants, to define their powers and duties  
7 and to repeal all Acts relating to the production, manufacture and sale of  
8 dairy and food products and liquors in conflict herewith," approved May 14,  
9 1907, in force July 1, 1907, be and the same is hereby amended to read as  
10 follows:

11       Sec. 39. STANDARD OF PURITY AND STRENGTH.] In the enforcement of this  
12 Act, and in the construction thereof, the following named articles of food  
13 stuffs, when offered for sale or exposed for sale, or sold, shall conform to the  
14 analytical requirements set opposite each respectively.

15       *Milk* shall contain not less than three (3) per cent of milk  
16 fat and not less than eight and one-half (8.5) per cent of solids,  
17 not fat.

18       *Cream* shall not contain less than eighteen (18) per cent of  
19 milk fat.

20       *Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65)  
21 per cent of maple ash in the water-free substance.

22       *Honey* is laevo-rotatory, contains not more than twenty-five (25)  
23 per cent of water, not more than twenty-five hundredths (0.25)  
24 per cent of ash and not more than eight (8) per cent of  
25 sucrose.

26       *Cloves* shall contain not more than five (5) per cent of clove stems, not  
27 less than ten (10) per cent of volatile ether extract, not less than twelve (12)  
28 per cent of quercitannic acid, not more than eight (8) per cent of total ash,  
29 not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid,  
30 and not more than ten (10) per cent of crude fibre.

31       *Black Pepper* shall contain not less than six (6) per cent of non-volatile  
32 ether extract, not less than twenty-five (25) per cent of pepper starch, not  
33 more than seven (7) per cent of total ash, not more than two (2) per cent of



34 ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of  
35 crude fiber.

36 *Lemon Extract* shall contain not less than five (5) per cent of oil of lemon  
37 by volume.

38 *Orange Extract* shall contain not less than five (5) per cent of oil of orange  
39 by volume.

40 *Vanilla Extract* shall contain in one hundred (100) cubic centimeters the  
41 soluble matters from not less than ten (10) grams of vanilla bean.

42 *Olive Oil* has a refractive index (25°C) not less than one hundred and  
43 forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one  
44 and forty-six hundred and eighty ten thousandths (1.4680), and an iodine num-  
45 ber not less than seventy-nine (79) and not exceeding ninety (90).

46 *All Vinegars* shall contain four (4) grams of acetic acid in one hundred  
47 (100) cubic centimeters (20°C).

48 *Cider Vinegar* shall contain not less than one and six-tenths (1.6) grams  
49 of apple solids and not less than twenty-five hundredths (0.25) grams of apple  
50 ash in one hundred (100) cubic centimeters (20°C).

51 *Wine Vinegar* shall contain not less than one (1) gram of grape solids  
52 and not less than thirteen-hundredths (0.13) gram of grape ash in one hun-  
53 dred cubic centimeters (20°C).

54 *Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20°C)  
55 not less than two (2) grams of solids and not less than two-tenths (0.2) grams  
56 of ash.

57 In the enforcement of this Act and the construction thereof all articles of  
58 food not defined in this Act when offered for sale or exposed for sale, or sold,  
59 shall conform to the definition and analytical requirements of the standards  
60 adopted and promulgated from time to time by the State Food Standard Com-  
61 mission: *Provided*, such standards for any article of food or drink, or for

62 any substance used or intended to be used in food or drink, shall be deemed  
63 *prima facie* evidence of the proper standard of quality, purity and strength of  
64 any such article or substance, but shall only be deemed *prima facie* evidence  
65 in the trial of cases brought in the proper courts to enforce the provisions of  
66 this Act.

67       *Provided*, that nothing in this section shall be construed to prevent the  
68 sale of any wholesome food product which varies from such standards, if  
69 such article of food be labeled so as to clearly indicate such variation.

- 1   Reported from Senate, April 29, 1909.
- 2   Read by title, ordered printed and to a first reading.

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**A BILL**

For an Act concerning the election and powers of trustees in villages and incorporated towns organized and existing under special Acts.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That at the regular annual election, to be held in  
3 the year A. D. 1910, in each and every village and incorporated town organ-  
4 ized and existing under any special Act or the incorporation of such village  
5 or town wherein it is provided that the members of the legislative body of such  
6 village or town shall be elected annually, there shall be elected by the qualified  
7 electors therein, in lieu of the legislative body now provided for by law, six  
8 trustees, who shall hold their office until their successors are elected and quali-  
9 fied. At the first meeting of the board of trustees held after said election,  
10 the trustees elected shall be divided by lot into two classes; those of the first  
11 class shall continue in office for one year, and those of the second class for

12 two years, from the date of the annual election for that municipal year, and  
13 annually thereafter there shall be elected three trustees, who shall hold their  
14 office for the term of two years and until their successors are elected and  
15 qualified; and said trustees in each village or incorporated town shall have the  
16 same powers and perform the same duties as are or may be given by law to  
17 the members of the present legislative body of such village or incorporated  
18 town and that have heretofore been given or may hereafter be given to trustees  
19 in villages organized under the general law: *Provided, however,* that nothing  
20 herein contained shall be so construed as to authorize said trustees in any such  
21 village or incorporated town to perform any act which the legislative body  
22 thereof is specifically prohibited from performing under the terms of the Act  
23 creating such village or incorporated town.



- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 18 of an Act amending an Act entitled, “An Act to provide for the incorporation of cities and villages,” approved April 10, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 18 of an Act amending an Act entitled,  
3 “An Act to provide for the incorporation of cities and villages,” approved  
4 April 10, 1872, in force July 1, 1872, be and the same hereby is amended to  
5 read as follows:

6      Sec. 18. Any part of any village or incorporated town in this State, lying  
7 upon the border thereof, and having a population of not less than two hun-  
8 dred and fifty (250), may be become organized as a village under this Act  
9 in the manner following:

10 A petition shall be presented to the judge of the county court of the  
11 county wherein such village or incorporated town is located, asking that the  
12 question of organizing such a part of said village or incorporated town into  
13 a village under this Act, be submitted to the legal voters of the said city, vil-  
14 lage or incorporated town.

15 Such petition shall clearly define the boundary of the territory proposed  
16 to be organized as a village under this Act, shall state the population thereof,  
17 and the name proposed for the village to be organized therefrom, and  
18 shall be signed by not less than thirty (30) of the legal voters residing within  
19 the limits of the territory proposed to be organized into a village under this  
20 Act, providing that if the votes cast by the voters residing within the limits  
21 of said territory at the last preceding election numbered more than two hun-  
22 dred and fifty (250) inhabitants, then, in that case, the petition shall be signed  
23 by legal voters residing within the said territory, numbering not less than one-  
24 tenth of the number of votes cast within said territory at the last preceding  
25 general or municipal election.

26 Thereupon said judge of the county court shall cause to be submitted to the  
27 voters of such village or incorporated town, at an election to be held therein,  
28 the question of organizing the territory described in said petition into a village  
29 under this Act. Such question may be submitted at either a special election  
30 called for the purpose, or at any municipal election, or at any general election:  
31 and notice of said election shall be given by causing notice to be published in  
32 at least one newspaper in said county, within which said village or incorporated  
33 town may be, at least fifteen days before said election, by the clerk of the  
34 county court: *Provided*, that no petition shall be valid for organizing a village  
35 from part of a village or incorporated town, if the territory remaining in the  
36 old village or incorporated town shall be less than four (4) square miles, or  
37 have a population of less than two hundred and fifty (250) inhabitants.

- 1 Reported from Senate, May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section six (6) of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section six (6) of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, be hereby amended to read as follows:

6 Sec. 6. The State Board of Health may refuse to issue the certificates  
7 provided for in this Act, and the Act to which this Act is an amendment, to  
8 individuals who have been convicted of criminal abortion, or who have by  
9 false or fraudulent representation obtained or sought to obtain practice in  
10 their profession, or by false or fraudulent representation of their profession

11 have obtained or sought to obtain money or any other thing of value, or who  
12 advertise under names other than their own, or for any other unprofessional  
13 or dishonorable conduct; and the board, for like causes, may revoke such cer-  
14 tificates, and the certificates issued under the provisions of "An Act to regu-  
15 late the practice of medicine in the State of Illinois," approved May 29, 1877.  
16 in force July 1, 1877, and an Act entitled, "An Act to regulate the practice  
17 of medicine in the State of Illinois," approved June 16, 1887, in force July 1,  
18 1887: *Provided*, that no certificate shall be revoked or refused until the  
19 holder or applicant shall be given a hearing before the board.



1 Reported from Senate May 20, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to revise the laws relating to charities.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:*

3 SEC. 1. PREAMBLE—PURPOSE OF THE ACT.] The purpose of this Act is to  
4 provide humane and scientific treatment and care and the highest attainable  
5 degree of individual development for the dependent wards of the State;

6 To provide for delinquents such wise conditions of modern education and  
7 training as will restore the largest possible portion of them to useful citi-  
8 zenship;

9 To promote the study of the causes of dependency and delinquency, and  
10 mental, moral and physical defects, with a view to cure and ultimate pre-  
11 vention;

12 To secure the highest attainable degree of economy in the business adminis-  
 13 tration of the State institutions consistent with the objects above enumerated,  
 14 and this Act, which shall be known as the code of charities of the State of Illinois,  
 15 shall be liberally construed to these ends.

Sec. 2. STATE CHARITABLE INSTITUTIONS.] The following are the State  
 2 charitable institutions:

- 3 The Illinois Northern Hospital for the Insane, at Elgin;
- 4 The Illinois Eastern Hospital for the Insane, at Kankakee;
- 5 The Illinois Central Hospital for the Insane, at Jacksonville;
- 6 The Illinois Southern Hospital for the Insane, at Anna;
- 7 The Illinois Western Hospital for the Insane, at Watertown;
- 8 The Illinois General Hospital for the Insane, at South Bartonville;
- 9 The Illinois Asylum for Insane Criminals, at Chester;
- 10 The Illinois School for the Deaf, at Jacksonville;
- 11 The Illinois School for the Blind, at Jacksonville;
- 12 The Illinois Industrial Home for the Blind, at Chicago;
- 13 The Illinois Asylum for Feeble Minded Children, at Lincoln;
- 14 The Illinois State Colony for Epileptics;
- 15 The Illinois Soldiers' and Sailors' Home, at Quincy;
- 16 The Soldiers' Widows' Home of Illinois, at Wilmington;
- 17 The Illinois Soldiers' Orphans' Home, at Normal;
- 18 The Illinois Charitable Eye and Ear Infirmary, at Chicago;
- 19 The State Training School for Girls, at Geneva;
- 20 The St. Charles School for Boys, at St. Charles;

Sec. 3. INSTITUTION TITLES.] The State institutions, named in this sec-  
 2 tion, shall be known and designated hereafter by their respective titles as ex-  
 3 pressed in this section, namely:

4 The Illinois Northern Hospital for the Insane, at Elgin, shall be known  
5 and designated as the Elgin State Hospital.

6 The Illinois Eastern Hospital for the Insane, at Kankakee, shall be known  
7 and designated as the Kankakee State Hospital. .

8 The Illinois Central Hospital for the Insane, at Jacksonville, shall be  
9 known and designated as the Jacksonville State Hospital.

10 The Illinois Southern Hospital for the Insane, at Anna, shall be known  
11 and designated as the Anna State Hospital.

12 The Illinois Western Hospital for the Insane, at Watertown, shall be known  
13 and designated as the Watertown State Hospital.

14 The Illinois General Hospital for the Insane, at South Bartonville, shall  
15 be known and designated as the Peoria State Hospital.

16 The Illinois Asylum for Insane Criminals, at Chester, shall be known and  
17 designated as the Chester State Hospital.

18 The Illinois Asylum for Feeble Minded Children, at Lincoln, shall be known  
19 and designated as the Lincoln State School and Colony.

20 The Illinois State Colony for Epileptics shall be known and designated as  
21 the Illinois State Colony for Improvable Epileptics.

Sec. 4. (A) BOARD OF ADMINISTRATION—APPOINTMENT—TERM OF OFFICE—

2 CLASSES OF MEMBERS—QUALIFICATION—OATH.] The Governor, by and with the  
3 advice and consent of the Senate, shall appoint, within thirty days after  
4 July 1, A. D. 1909, five persons, (no more than three of said persons shall belong  
5 to or be affiliated with the same political party) to be called and known as the  
6 Board of Administration, referred to and designated hereafter in this Act as the  
7 "board." One person appointed on the board shall be qualified by education and  
8 experience, to be the president of the board. He shall be designated in the ap-  
9 pointment as, and shall be, the president of the board. Members of the board, so  
10 appointed, shall hold office two for two years, and three for four years, and

11 thereafter their successors shall, when appointed, hold office for four years,  
 12 and until their successors are appointed and qualified. Each member, before  
 13 entering upon the duties of his office, shall take the oath prescribed by the  
 14 constitution of this State for State officers. Said oath shall be filed in the office  
 15 of the Secretary of State. No member shall qualify or enter upon the duties  
 16 of his office, or remain therein while he is a trustee, manager, commis-  
 17 sioner, director of or in any manner officially related to an institution subject  
 18 to the administration, visitation and inspection of the board.

19 (B) REMOVAL OF MEMBERS—VACANCY.] The Governor shall have the  
 20 power to remove any member of the Board of Administration. In case  
 21 of a vacancy in the board, the said vacancy shall be filled by ap-  
 22 pointment by the Governor, by and with the advice and consent of  
 23 the Senate. When the Senate is not in session, the Governor may  
 24 make appointments to fill vacancies, but all appointments made when the  
 25 Senate is not in session shall be subject to confirmation by the Senate at its  
 26 next session before becoming permanent. The failure on the part of any  
 27 member of the board to attend three consecutive meetings of the board,  
 28 unless excused by a formal vote of the board, may be treated by the Governor  
 29 as a resignation by such non-attending member, and the Governor may ap-  
 30 point his successor.

31 (C) SECRETARY AND OTHER OFFICERS AND EMPLOYES.] Said board shall em-  
 32 ploy a secretary and such other officers, agents and employes as it may deem  
 33 necessary.

34 (D) SALARY—EXPENSES.] Each member of said board shall receive an  
 35 annual compensation of five thousand dollars, and shall be allowed his  
 36 actual traveling expenses incurred in official business. Each member shall de-  
 37 vote his entire time to the duties of his position and shall hold no other



lucrative office, nor follow any other gainful profession, occupation or employment.

(E) OFFICE—SEAL.] The Secretary of State shall provide said board with suitably furnished offices in the capitol building at Springfield; and shall provide said board with the necessary blank books, blanks, stationery and printed matter. The board shall have an official seal. Every process, order or other paper issued or executed by the board may be attested, by direction of the board, under its seal, by its secretary or by any member of the board, and when so attested, shall be deemed to be duly executed by the board.

(F) GENERAL POWERS AND DUTIES.] The board provided for herein shall:

1. Be a body corporate under and by the name of "The Board of Administration," and, in addition to the powers expressly conferred, shall have all such authority as may be necessary to the full and complete performance thereof.

2. Exercise executive and administrative supervision over all State charitable institutions, now existing or hereafter acquired or created.

3. Succeed to all property rights of the boards of trustees, managers, or commissioners of the State Charitable institutions. All the rights, title and interest of the boards of trustees, managers, or commissioners of the State charitable institutions in and to land, money, or other property, real and personal, held for the benefit of their respective institutions, or for other public use, are hereby divested and are, without further process of law, vested in the Board of Administration, created by this Act, but in trust and for the use and by the authority of the State of Illinois. Any and all unexpended appropriations heretofore made by the Forty-sixth General Assembly, or that may hereafter be made by said General Assembly, to any

65 of the State charitable institutions named in this Act, and also any unexpended  
66 appropriations heretofore or hereafter made by the said General Assembly  
67 to the Board of State Commissioners of Public Charities for the Department  
68 of the Visitation of Children shall be payable to the Board of Adminis-  
69 tration when this Act goes into full force and effect, as provided in section 38 of  
70 this Act, to be used by it for the purposes for which the same were appro-  
71 priated.

72 4. Accept and hold in behalf of the State, if for the public interest, a  
73 grant, gift, devise or bequest of money or property to the State of Illinois,  
74 to the Board of Administration, or to any State hospital, or the trustees  
75 thereof, heretofore or hereafter made in trust for the maintenance or support  
76 of an insane person or persons in a State hospital or hospitals, or for any  
77 other legitimate purpose connected with any such hospital or hospitals. The  
78 board shall cause each said gift, grant, devise or bequest to be kept as a dis-  
79 tinct fund, and shall invest the same in the manner provided by the laws of  
80 this State as the same now exist, or shall hereafter be enacted, relating to  
81 securities in which the deposit in savings banks may be invested. But the  
82 board may, in its discretion, deposit in a proper trust company or savings  
83 bank, during the continuance of the trust, any fund so left in trust for the  
84 life of a single person, and shall adopt rules and regulations governing the  
85 deposit, transfer or withdrawal of such fund. The board shall, on the ex-  
86 piration of any trust as provided in any instrument creating the same, dis-  
87 pose of the fund thereby created in the manner provided in such instrument.  
88 The board shall include in its annual report a statement showing what funds  
89 are so held by it and the condition thereof: *Provided*, that moneys deposited  
90 with managing officers by relatives, conservators or friends of inmates, for  
91 the special comfort and pleasure of such inmates, shall remain in the hands  
92 of the said managing officers for disbursement to or for the benefit of such

93 inmates; but each managing officer shall keep in a book an itemized account  
94 of all receipts and expenditures of funds described in this proviso, which  
95 book shall be open at all times to the inspection of any member of the  
96 Board of Administration or of the Charities Commission, created in this  
97 Act.

98 5. Be charged with the duties of inspection and investigation of outdoor  
99 poor relief, almshouses, children's homefinding societies, orphanages and  
100 lying-in hospitals.

101 6. Be charged with the duties of investigating, inspecting and licensing  
102 all institutions, houses or places, in which any person is or may be detained  
103 for care or treatment for mental or nervous diseases, as hereinafter provided.

104 7. Have the power of appointment and removal of the superintendents  
105 managing officers of the State charitable institutions; and, subject to the  
106 State Civil Service law, the appointment and removal of all other  
107 employes of the said institutions of the State Psychopathic Institute pro-  
108 vided for herein, and the Board of Administration.

109 8. On complaint in writing of at least two reputable citizens, may visit  
110 and inspect any charitable society, institution or association which appeals  
111 to the public for aid, or is supported by trust funds; and shall report to  
112 the Governor upon its efficiency, economy and usefulness.

113 9. Inspect and investigate county jails, city prisons, houses of cor-  
114 rection, workhouses, and all places in which persons convicted or sus-  
115 pected of crime are confined, to collect important statistics concerning  
116 the inmates; to ascertain the sanitary condition of such institutions,  
117 and to ascertain how the insane are treated.

118 10. Regulate the admission of patients and inmates into State hospitals  
119 and the Lincoln State School and Colony as provided herein.

120        11. Be charged with the visitation of children placed in family homes  
 121 and the certification of home-finding associations and orphanages and with the  
 122 duty of examining into the merits and fitness of all associations which pur-  
 123 pose caring for dependent, neglected or delinquent children and which seek  
 124 incorporation and of reporting its findings and recommendations relative to  
 125 incorporation to the Secretary of State.

126        12. Succeed to the powers and duties given by law to the Board of State  
 127 Commissioners of Public Charities in relation to the Illinois State Colony for  
 128 Improvable Epileptics.

129        (G) RULES.] The board shall make all rules necessary for the execution of its  
 130 powers. The managing officer of each State institution, embraced in this Act,  
 131 shall make such special rules as may be needful, subject to the approval of the  
 132 board.

133        (H) ANNUAL REPORT.] The board shall, on or before the fifteenth of Oc-  
 134 tober of each year, report to the Governor its acts, proceedings and conclu-  
 135 sions for the preceding fiscal year, which report shall contain a complete financial  
 136 statement of the various State institutions under its jurisdiction, and shall state  
 137 whether the moneys appropriated for their aid are or have been economically  
 138 and judiciously expended, whether the objects of the several institutions are ac-  
 139 complished, whether the laws in relation to them are fully complied with, and  
 140 whether all parts of the State are equally benefited by said institutions, to-  
 141 gether with such other information and recommendations as it may deem proper.  
 142 The board shall make such other reports as the Governor may require.

143        (I) OFFICIAL VISITS.] Each State institution shall be visited at least once  
 144 a quarter by a member of the board. Such visits shall be made on such days  
 145 and at such hours of the day or night, and for such length of time, as the vis-



146 iting member may choose. But each member may make such other visits as  
 147 he, or the board, may deem necessary. Each visit shall include to the fullest  
 148 extent deemed necessary, an inspection of every part of each institution and  
 149 the out-houses places, buildings and grounds belonging thereto or used in  
 150 connection therewith. The board, from time to time, shall make an examina-  
 151 tion of all the records and methods of administration, the general and special  
 152 dietary, the stores and methods of supply, and, as far as circumstances may  
 153 permit, of every patient or inmate confined therein, especially those admitted  
 154 since the last preceding visit, giving such as may require it opportunity to  
 155 converse with the members of the board, apart from the officers and attend-  
 156 ants. At the next regular or special meeting of the board, after any such  
 157 visit, the visiting member shall report the result thereof, with such recommen-  
 158 dations as he may deem necessary for the better management or improvement  
 159 of any institution.

160 (J) The board, at least once each year, at a time to be appointed by the  
 161 board, shall meet the superintendents and managing officers of each State in-  
 162 stitution, and members of the Charities Commission, hereinafter provided for,  
 163 or as many of the number as practicable, in conference, and consider in detail  
 164 all questions relating to the treatment and care of the insane, epileptics, the  
 165 feeble-minded, prisoners, delinquents, and the poor, and all other wards of the  
 166 State and all questions of management and improvement of institutions caring  
 167 for such wards.

Sec. 5. CHARITIES COMMISSION—APPOINTMENT—TERMS OF OFFICE—OATH.]

2 The Governor, by and with the advice and consent of the Senate,  
 3 shall appoint, within thirty days after this Act shall take effect, seven  
 4 persons to be called and known as the Charities Commission. Not more  
 5 than four persons so appointed shall belong to the same political party.

6 The members shall be appointed, one for one year, one for two years, one for  
 7 three years, one for four years, one for five years, one for six years and one for  
 8 seven years, from the first day of March, 1909, and until their respective suc-  
 9 cessors are appointed and qualify. And on the first day of March, 1910, and  
 10 at the end of each year thereafter, the Governor shall, in like manner, ap-  
 11 point one person as the successor of the member whose term shall expire in that  
 12 year, to serve as such member of the Charities Commission for seven  
 13 years, and until his successor is appointed and qualifies. Four members  
 14 of this commission shall constitute a quorum. Each member of this commission,  
 15 before entering upon the duties of his office, shall take the oath prescribed by the  
 16 Constitution of this State for State officers. Said oath shall be filed in the office  
 17 of the Secretary of State. No member shall qualify or enter upon the duties of  
 18 his office, or remain therein, while he is a trustee, manager, commissioner, di-  
 19 rector of or in any manner officially related to an institution subject to the visita-  
 20 tion and inspection of this commission.

21 (B.) VACANCY.] In case of a vacancy in the Charities Commission, the  
 22 unexpired term shall be filled by appointment by the Governor, by  
 23 and with the advice and consent of the Senate. When the Senate is not in ses-  
 24 sion the Governor may make appointments to fill vacancies, but all appoint-  
 25 ments made when the Senate is not in session shall be subject to confirmation  
 26 by the Senate at its next session before becoming permanent. The failure on  
 27 the part of any member of this commission to attend three consecutive meet-  
 28 ings of the Charities Commission, unless excused by a formal vote of such  
 29 commission, may be treated by the Governor as a resignation by such non-at-  
 30 tending member, and the Governor may appoint his successor.

31 (C.) OFFICERS AND EMPLOYEES—PRESIDENT, EXECUTIVE SECRETARY AND OTHER EM-  
 32 PLOYEES.] The Charities Commission shall annually elect one of its mem-

bers as president. The board shall employ an executive secretary at a salary of \$3,500 per annum, and such other officers, agents and employes as it may deem necessary.

(D.) No COMPENSATION—TRAVELING EXPENSES—OFFICE—STATIONERY.] The members of this commission shall serve without compensation for their time or services, but the actual traveling expenses of each one of them while engaged in the performance of the duties of his office, on being made out and certified as provided in this Act, shall be paid to him out of any moneys appropriated for that purpose. In like manner any employe of this commission, acting under the direction of this commission, shall be allowed his actual traveling expenses. The Secretary of State shall provide the Charities Commission with suitably furnished offices in the capitol at Springfield and with the necessary blank books, blanks, stationery and printed matter.

(E) DUTIES.] The Charities Commission shall investigate the whole system of public charitable institutions of the State, examine into the condition and management thereof, especially of State hospitals, jails, and almshouses; and the officers in charge of all such institutions shall furnish to the Charities Commission, on its request, such information and statistics as it may require. The Charities Commission, when directed by the Governor, shall investigate, as a whole commission, or by a committee thereof, into any or all phases of the equipment, management or policy of any State charitable institution and report its findings and recommendations to the Governor. The Charities Commission may inquire, in its discretion, into the equipment, management and policies of all institutions and organizations coming under the supervision and inspection of the Board of Administration. The Charities Commission, annually, on the fifteenth of October, shall



60 submit to the Governor a printed report of all its doings during the pre-  
 61 ceding fiscal year, stating in detail all expenses incurred, all officers  
 62 and agents employed, and such suggestions and recommendations as this com-  
 63 mission deems necessary and pertinent.

64 (F.) MEETINGS—RULES.] Regular meetings of the Charities Commission  
 65 shall be held quarterly, or oftener, if required. The said commission may  
 66 make such rules for the conduct of its business as it may deem necessary.

Sec. 6. BOARDS OF TRUSTEES—COMMISSIONERS AND MANAGERS.] The boards of  
 2 trustees, commissioners and managers of the State charitable institutions named  
 3 in section 2, of this Act, shall have no further legal existence.

Sec. 7. (A.) VISITORS—APPOINTMENT.] The Governor, by and with the ad-  
 2 vice and consent of the Senate, shall appoint, within thirty days after this Act  
 3 shall take effect, a Board of three (3) Visitors for each State charitable  
 4 institution, under the management of the Board of Administration. The  
 5 members of each Board of Visitors shall be appointed: one for two  
 6 years, one for four years, and one for six years from the first day of  
 7 March, 1909, and until their respective successors are appointed and  
 8 qualify. And on the first day of March, 1911, and every two years thereafter,  
 9 the Governor shall in like manner appoint one person as the successor of the  
 10 members of each Board of Visitors whose terms shall expire in that year, to  
 11 serve as such member for six years and until his successor is appointed and  
 12 qualifies. Two members of each Board of Visitors shall constitute a quorum.  
 13 One member of each Board of Visitors shall be a woman. Each member of  
 14 the Board of Visitors before entering upon the duties of his, or her, office shall  
 15 take the oath prescribed by the Constitution of this State for State officers.  
 16 The said oath shall be filed in the office of the Secretary of State.



(B.) VACANCY.] In case of a vacancy in any Board of Visitors, provided for herein, the unexpired term shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session the Governor may make appointments to fill vacancies, but all appointments made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent.

(C.) DUTIES.] Each board of Visitors provided for herein shall:

1. Maintain an effective inspection of its respective institution, for which purpose the visitors, or a majority thereof, shall visit and inspect the institution at least once each quarter in the cases of institutions having the whole State for a district and at least once each month in the cases of institutions whose districts are fractional parts of the State. For such purpose each visitor shall have free access at any time to the grounds, buildings and all books and papers of the institution. All persons connected with any such institution shall give such information and afford such facilities for any inspection, examination, or investigation as the visitor may require. It shall make a written report to the Charities Commission within ten days after such inspection, such report to be signed by each member making the inspection. Such report shall state in detail the condition of the institution, and of its inmates, and such other matters pertaining to the management and affairs thereof, as, in the opinion of the visitors, shall be brought to the attention of the Charities Commission and may contain recommendations as to needed improvement in the institution or its management.

2. Keep in a book, provided for that purpose, a fair and full record of its doings, which shall be open at all times to the inspection of the Governor, a committee of either house of the Legislature, the Charities Commission, or any person appointed by the Governor, or the said Charities Commission to examine the same.

45       3. Hold regular meetings at least once each quarter in the cases of institu-  
 46 tions having the whole State for a district and at least once each month in the  
 47 cases of institutions whose districts are fractional parts of the State; and cause  
 48 to be typewritten, within ten days after each such meeting, the minutes and pro-  
 49 ceedings of such meeting, and cause a copy thereof to be sent forthwith to  
 50 each visitor and to the Charities Commission.

51       4. Enter in a book, kept at the institution for that purpose, the date of  
 52 every visit of each visitor.

53       5. Make to the Charities Commission, in July of each year, a de-  
 54 tailed report of the result of its visits and inspections, with suitable  
 55 suggestions, and such other matters as may be required of it by the said Char-  
 56 ities Commission for the year ending on the thirtieth day of June preceding  
 57 the date of such report.

58       (D.) NO COMPENSATION—EXPENSES.] The said visitors shall receive no  
 59 compensation for their time or services, but the actual expenses of each one  
 60 of them, while engaged in the duties of his office, and any actual outlay made  
 61 by them for any actual aid and assistance required in examination and in-  
 62 vestigation, on being made out and verified as provided herein, shall be paid  
 63 them by the Board of Administration out of moneys appropriated for the  
 64 maintenance of the institutions.

Sec. 8. EXPENSES—HOW CERTIFIED.] Bills for traveling expenses of any member  
 2 of the Board of Administration, the Charities Commission, or any visitor, su-  
 3 perintendent, managing officer, or other officer or employe under either board  
 4 or commission shall be itemized and made out on blanks, as follows:





Sec. 10. PSYCHOPATHIC INSTITUTE.] The Board of Administration shall maintain the State Psychopathic Institute and shall appoint a director thereof and a psychologist, who shall perform their duties under the direction of the board. They shall receive annual salaries to be fixed by the board. All State institutions shall co-operate with the psychopathic institute in such manner as the board may from time to time direct. The board may employ such assistants as are necessary for the service of the State Psychopathic Institute.

Sec. 11. APPOINTMENTS—CIVIL SERVICE.] All employes of the Board of Administration, and all employes of the Charities Commission and of the State charitable institutions, and the director, psychologist and employes of the State Psychopathic Institute, shall be appointed under and subject to the provisions of "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905, as amended: *Provided*, that the managing officers of all State charitable institutions are hereby exempted from the operation of the civil service law.

Sec. 12. EMPLOYES OF INSTITUTIONS—SALARIES.] The Board of Administration, from time to time, with the approval in writing of the State Civil Service Commission, except as to the salaries of managing officers, shall determine the annual salaries of the officers and employes of the State institutions, which shall be uniform, as far as practicable, for like service.

Sec. 13. FISCAL SUPERVISOR—GENERAL POWERS AND DUTIES.] Under the supervision and direction of the Board of Administration the fiscal supervisor shall:

1. Examine into the condition of all buildings, grounds and other property connected with any State charitable institution, and into its methods of bookkeeping, storekeeping, and all matters relating to its business and financial management.



8        2. Study and become familiar with the relative advantages and disadvant-  
9 ages of the said institutions as to location, freight rates, efficiency of farm and  
10 equipment, for the purpose of aiding in the determination of the local and gen-  
11 eral requirements both for maintenance and improvement.

12       3. In all instances of important transactions refer to the Board for counsel  
13 and approval.

14       4. Report regularly every quarter to the board and annually, as part of  
15 the board's report to the Governor, the acts and proceedings of his office.

16       5. Receive, examine and present with his written opinion to the board,  
17 every plan and specification for new construction or repair exceeding in esti-  
18 mated value one thousand dollars. He shall examine into every plan and spec-  
19 ification of new construction or improvement, if such improvement exceeds  
20 two hundred dollars in cost: *Provided*, that all contracts for new construc-  
21 tion, improvement or repair must be approved by the State Architect or his  
22 Consulting Engineer and by the board, if they exceed in value one thousand  
23 dollars, and by the Fiscal Supervisor, if they exceed in value two hundred  
24 dollars: *Provided, further*, that such approval is also required when such  
25 work is undertaken by the management of any institution without contract:  
26 *Provided, further*, that, in case of an emergency, such as the breaking down  
27 of equipment, so as to bring to a standstill any necessary part of the operative  
28 machinery of a State institution, whose administration is provided for in this  
29 Act, the fiscal supervisor, with the approval in writing of the board and of the  
30 Governor, may go into the open market and secure such repairs as are neces-  
31 sary to restore the institution to operative efficiency at the earliest possible time.  
32 A surety bond in such penal sum as determined by the fiscal supervisor shall  
33 be furnished by the contractors whenever the value of any work exceeds five  
34 hundred dollars.

35 6. Arrange for interchange of farm products and other products between  
36 and among the various institutions.

37 7. Enforce the provisions of this Act for the collection of money to reim-  
38 burse the State for the cost of the maintenance of patients and inmates.

Sec. 14. APPROPRIATIONS.] Each managing officer of an institution, when  
2 required by the fiscal supervisor, shall present to said fiscal supervisor an item-  
3 ized list of appropriations desired for maintenance and special, as he considers  
4 necessary for the period of time to be covered by such appropriations. The fiscal  
5 supervisor shall tabulate such statements and present them to the Board of Ad-  
6 ministration with his recommendations. It shall then become the duty of the  
7 board, with the approval of the Governor, to present the needs of the institu-  
8 tions to the Legislature. For this purpose an average per capita allowance for  
9 the insane and other dependents, defectives and delinquents shall be  
10 arrived at and a total allowance asked for on the basis of actual population  
11 and estimated increase, this fund to be used as further provided in this Act.  
12 Every special need shall be itemized and the appropriation shall be asked for  
13 that specific purpose. It shall be the duty of the fiscal supervisor and of all  
14 other members of the board to present to the Governor and to the Legislature  
15 such information regarding appropriations asked for as may be required. It is  
16 the intent and meaning of this section that all appropriations for the State in-  
17 stitutions shall be made to the Board of Administration and that the ordinary,  
18 or maintenance, appropriation shall be made to the board in a lump sum to be  
19 used for the several institutions according to their varying needs.

Sec. 15. BOARD OF JOINT ESTIMATE—PURCHASE OF SUPPLIES.] The fiscal  
2 supervisor shall call, at least annually, the managing officers of the various  
3 State institutions to a joint meeting with a committee appointed by the  
4 board, of which he shall be the head, for the purpose of classifying the sup-  
5 plies and estimating requirements of the various institutions, so as to pro-

6 vide for their most practical and economical purchase: *Provided*, that any  
7 managing officer may at such meetings be represented by an officer of the  
8 institution, whom he appoints for that purpose. This joint board shall be  
9 known as the Board of Joint Estimate. It shall be its duty, under the direction  
10 of the board, to provide for the purchase of supplies in large quantities on  
11 contracts for periods not exceeding fifteen months from the date of the contract.  
12 To this end the Board of Joint Estimate shall annually elect from among its  
13 members two persons to serve, with the fiscal supervisor, as a standing pur-  
14 chasing committee to execute the purchases. The fiscal supervisor shall  
15 have full knowledge of all details of every business transaction of said commit-  
16 tee. The purchase of all supplies shall be decided by competitive bidding, and  
17 competitive proposals shall be advertised for in one or more newspapers of  
18 general circulation, published in each one of the seven largest cities in the  
19 State, according to the last general census published by the United States. Such  
20 further advertisement shall be given as the Board of Administration may pre-  
21 scribe. Said proposals shall be opened in public on the day and hour and at the  
22 place specified in the advertisement. The purchasing committee shall have the  
23 power, however, to reject any or all bids, readvertise for competitive proposals,  
24 as hereinbefore provided: *Provided, however*, that the purchasing committee shall  
25 have the power to purchase supplies for emergencies. In such cases the said pur-  
26 chasing committee shall have certified in writing to the Board of Administration  
27 that an emergency exists, and said board shall have authorized the purchase.  
28 *Provided, further*, that in making contracts for supplies for any or all of the  
29 State Institutions in this Act mentioned, preference shall be given to the pro-  
30 ducts of this State.

31 It shall be the duty of the State Food Commissioner to co operate with  
32 the purchasing committee, or managing officer, in making such tests as are nec-  
33 essary to determine the quality, strength or purity of food supplies.



34       Supplies and material produced in the State shall be preferred in the pur-  
35 chase, provided that such preference shall not be made at the expense of the  
36 State.

      Sec. 16. MONTHLY ESTIMATES OF EXPENSES—CONTINGENT FUND.] For the  
2 purpose of proper regulation, recording and auditing of the various expendi-  
3 tures of the institutions, the managing officer of each institution shall prepare  
4 and present to the fiscal supervisor in triplicate, not less than fifteen days  
5 before the first day of the month referred to, and on forms furnished by the  
6 Board of Administration, a detailed monthly estimate of all needed supplies,  
7 materials, salaries and improvements. It shall be the duty of the fiscal super-  
8 visor to review and, for reasons given in writing, alter, if deemed by him  
9 necessary, such estimates, provided that the managing officer issuing the esti-  
10 mate shall have the right of appeal to the board, should he consider, in his best  
11 judgment, such alteration harmful to the best interests of the institution under  
12 his charge. Estimates for periods longer than one month may be made in the  
13 same manner by managing officers for staples designated by the Board of Joint  
14 Estimate or for other supplies. Each estimate may include a contingent fund  
15 of not to exceed 2 per cent of the total amount of the estimate for mainte-  
16 nance for the period of the estimate, for which contingent fund no detailed  
17 account need be given in the estimate, but which can not be drawn upon ex-  
18 cept in due form specified by this Act, and by the rules of the board.

19       The fiscal supervisor shall return to the managing officer one copy of the  
20 monthly and other estimates with his approval or alteration in writing, one  
21 copy so approved or altered he shall present to the State Auditor, and one  
22 copy so approved or altered he shall file in his own office. It shall be the duty  
23 of the State Auditor to ascertain that the estimates so received do not exceed  
24 the respective appropriations. The State Auditor shall draw warrants on the



25 State Treasurer monthly for the salary funds and contingent funds for each  
 26 institution, and such funds shall be placed in the hands of the managing officer of  
 27 each institution. Itemized vouchers for all funds, including pay rolls, shall be  
 28 drawn in triplicate, one copy being held by the managing officer issuing such  
 29 voucher, one copy presented to the fiscal supervisor and one copy to the State  
 30 Auditor, who shall issue a warrant on the State Treasurer for each voucher.  
 31 Each voucher shall contain a sworn affidavit of the managing officer, or some  
 32 other bonded officer designated by the managing officer, certifying that the  
 33 supplies and materials purchased or improvements and repairs made or  
 34 special services rendered were fully satisfactory, or conforming to sample, as  
 35 the case may be; that the approving officer was in no way financially inter-  
 36 ested in the purchase or work performed, and that he has full knowledge of  
 37 the value of the purchase or work, such affidavit being made according to  
 38 forms provided by the board: *Provided*, that pay rolls for temporary employees  
 39 employed in case of emergency may be made at any time after the services are  
 40 performed. All such pay rolls shall be sworn to by the managing officer the  
 41 same as in cases of other vouchers, and the affidavit shall show that each and  
 42 every person named in the pay roll actually rendered the services for the time  
 43 and at the rate charged in the pay rolls.

Sec. 17. STATE TREASURER TO BE TREASURER—EXCEPTION.] It is the intent  
 2 of this Act that the State Treasurer shall act as treasurer for all funds in  
 3 the jurisdiction of the Board of Administration, and shall pay no moneys ex-  
 4 cept in accordance with the provisions of this Act; provided that the moneys  
 5 designated and approved of by the fiscal supervisor and the State Auditor as  
 6 salary fund and contingent fund in the monthly estimate shall be  
 7 placed, not later than on the first day of the month so provided  
 8 for, in the hands of the managing officer of each institution, who shall act as

9 treasurer for such funds. Institution moneys in the hands of the several in-  
 10 stitution treasurers, when this Act goes into effect, shall be transferred forth-  
 11 with to the State Treasurer. Moneys collected from various sources by super-  
 12 intendants and in the hands of the superintendents or the institution treasurers  
 13 when this Act goes into effect shall be transmitted forthwith by such superin-  
 14 tendents or treasurers to the State Treasurer. Moneys collected from various  
 15 sources, such as the sale of manufactured articles, of farm products and of all  
 16 miscellaneous articles, shall be transmitted monthly to the State Treasurer and  
 17 a detailed statement of such collections shall be made monthly to the Fiscal  
 18 Supervisor by the managing officer of the institution.

Sec. 18. BONDED EMPLOYES.] The Board of Administration shall prescribe  
 2 and require surety bonds from the fiscal supervisor, and from each managing  
 3 officer, steward, storekeeper or any other State officer or employe under the  
 4 jurisdiction of the Board of Administration, where deemed advisable, in such  
 5 penal sums to be determined by the board. The cost of such bonds shall be  
 6 paid by the State out of funds appropriated to the board. Whenever a va-  
 7 cancy occurs in any position held by any bonded officer or employe, there  
 8 shall forthwith be made an inventory of stock, supplies and records under the  
 9 charge of such officer or employe.

Sec. 19. ADMISSION OF PATIENTS AND INMATES.] The admission of patients  
 2 and inmates to State hospitals for the insane and the Lincoln State School and  
 3 Colony shall be under the control and direction of the Board of Administration.  
 4 The board is authorized to divide the State into districts, for the purpose of regu-  
 5 lating the admission of patients to hospitals for the insane. The said board shall  
 6 have power to change the boundaries of such districts, from time to time, as  
 7 may be necessary or expedient. Whenever such division or regulation shall  
 8 have been made, as aforesaid, the said board shall forthwith make and sign

9 a report to that effect, designating the boundaries of and the counties included  
 10 within each district and the number of patients apportioned to each hospital,  
 11 and file the same with the Secretary of State, and send a copy thereof to the  
 12 superintendent of each hospital, and to each county judge, and to the clerk of  
 13 each county in the State, to be filed in his office, and thereafter the State shall  
 14 be divided into such districts. Whenever any change in such classification or  
 15 regulation shall be made thereafter, a like report shall be made and filed, and  
 16 a copy thereof sent to the county judges and to the clerks of all counties  
 17 affected by such change, as well as to the superintendents of the respective  
 18 State hospitals. Each State hospital for the insane shall receive patients,  
 19 whether in an acute or chronic condition of insanity, from the district in which  
 20 the hospital is situated.

Sec. 20. REMOVAL OF INSANE AND FEEBLE MINDED FROM COUNTY ALMSHOUSES

2 TO STATE INSTITUTIONS.] The Board of Administration is hereby required and  
 3 empowered to cause the removal of insane persons from county almshouses to  
 4 State hospitals for the insane and of feeble minded women and children from  
 5 county almshouses to the Lincoln State School and Colony as rapidly as room  
 6 is provided for such patients and inmates in such State institutions. As such  
 7 room is provided, from time to time, the board shall forthwith direct the super-  
 8 intendents of county asylums, or almshouses, to send such number of insane  
 9 patients to State hospitals and such number of feeble minded women and chil-  
 10 dren to the Lincoln State School and Colony as can be accommodated therein.  
 11 All county authorities sending patients or inmates to any State hospital or the  
 12 Lincoln State School and Colony shall comply with all directions prescribed by  
 13 the Board of Administration.

14 After sufficient accommodations shall have been provided in State institu-  
 15 tions for all the pauper and indigent insane of all the counties of the State,



16 the cost of clothing and other incidental expenses of county insane patients in  
17 State hospitals shall not be a charge upon any county after the first of Janu-  
18 ary next ensuing, but the cost of the same shall be paid out of the funds pro-  
19 vided by the State for the support of the insane. It shall be the duty of the  
20 Board of Administration to determine whether the accommodations are suffi-  
21 cient within the purview of this section, and to hold a meeting for that pur-  
22 pose, and, if satisfied of the sufficiency of such accommodations, to make a  
23 certificate to that effect and file the same with the Secretary of State and send  
24 a copy thereof to the superintendents of each State hospital and county asylum,  
25 and to each county almshouse and to each county judge, and to the clerk of  
26 each county in the State, to be filed in his office. Until such certificate is made  
27 and filed, the said cost of clothing and other incidental expenses of county in-  
28 sane patients shall continue to be a charge upon the county as under exist-  
29 ing laws.

30 The foregoing provisions of this section relating to the insane shall not apply  
31 to or include counties of more than one hundred and fifty thousand inhabitants,  
32 until all the counties of this State having a population of less than 150,000  
33 shall have been provided for. Whenever the counties of over one hundred and  
34 fifty thousand inhabitants, or any one of them, desire to be included in the pro-  
35 visions of this section relating to the insane, application may be made in writ-  
36 ing to the Governor, by the respective county authorities in either of said  
37 counties, to transfer any or all of such buildings, land, appurtenances and equip-  
38 ment as are used by them as county insane asylums to the State for the same  
39 purpose. The Governor shall thereupon transmit said application to the Board  
40 of Administration, whereupon said board shall examine into the condition of  
41 such buildings, land, appurtenances and equipment, with a view to ascertain  
42 whether such property is suitable for the purposes of a State hospital for the in-  
43 sane; and shall report its findings and conclusions to the Governor. Where-



44 upon, if the board approves the transfer to the State, and if the Governor shall  
 45 approve the same, said county insane asylum shall be converted into a State  
 46 hospital for the insane, and its inmates shall become wards of the State.

Sec. 21. RETURN OR COMMITMENT TO COUNTY INSTITUTIONS FORBIDDEN.—

2 COUNTY CARE OF INSANE FORBIDDEN.] No insane person now, or hereafter,  
 3 under the care of any State hospital in this State, shall be returned or committed  
 4 to the care of any county insane asylum or almshouse, or to any county, town  
 5 or city authorities; and the said county, town or city authorities are hereby  
 6 forbidden to receive any such patient who may be returned or committed to  
 7 them in violation of this section. After the State has assumed complete care  
 8 of the public insane, no insane person shall be permitted to remain under  
 9 county care, but all public insane shall be committed to State hospitals for the  
 10 insane, or to private hospitals for the insane, as provided herein.

Sec. 22. TRANSFER OF INSANE PATIENTS.] The Board of Administration

2 shall have the power to transfer, by its order, patients from one State hospital  
 3 for the insane to another, when in its judgment such transfers are advisable.

Sec. 23. SUPPORT OF INMATES.] The Board of Administration shall secure

2 from relatives or friends, who are liable or may be willing to assume the cost  
 3 of support of inmates of State hospitals, reimbursement, in whole or in part, of  
 4 the money expended for such support; said board may appoint agents, whose  
 5 duty it shall be to secure from relatives and friends who are liable therefor,  
 6 or who may be willing to assume the costs of the support of any such inmates,  
 7 reimbursement, in whole or in part, of the money so expended. The compensa-  
 8 tion of each agent shall not exceed five dollars a day and the necessary travel-  
 9 ing and other incidental expenses actually incurred by him.

10 The said board may fix a rate to be paid for the support of the inmates  
 11 of State hospitals by the relatives liable for such support, or by those not liable

12 for such support but willing to assume the costs thereof, but such rate shall  
 13 be sufficient to cover the proper proportion of the cost of maintenance and  
 14 necessary repairs and improvements.

Sec. 24. POSTAL RIGHTS.] Any insane patient in any State hospital shall  
 2 be allowed to correspond, without restriction, with any member of the Board  
 3 of Administration, of the Charities Commission and of the Board of  
 4 Visitors of the State hospital where such insane patient is given treat-  
 5 ment and care; and with the county judge and the State's attorney of the county  
 6 from which such insane patient was committed.

Sec. 25. SALE OF UNCLAIMED PERSONAL PROPERTY OF DISCHARGED OR DECEASED  
 2 PATIENTS.] All articles of personal property belonging to a discharged or de-  
 3 ceased patient of a State hospital for the insane and in the custody of the su-  
 4 perintendent or other proper officer of such hospital, may, if unclaimed by such  
 5 discharged patient, or the legal representative of such deceased patient, for a  
 6 period of six months after the discharge or decease of such patient, be sold at  
 7 public auction in such manner and after such notice, or advertisement, as the  
 8 Board of Administration shall prescribe, and the proceeds of such sale shall  
 9 be paid into the amusement fund of such hospital. If any money deposited with  
 10 a managing officer by relatives, conservators or friends of any inmate for the  
 11 special comfort or pleasure of any such inmate remains unexpended after the  
 12 discharge or death of such inmate, the said unexpended balance shall be paid  
 13 into the amusement fund of the State institution which provided care and  
 14 treatment for the said inmate: *Provided*, that the money is not claimed by a  
 15 discharged inmate within six months after discharge, or by the legal repre-  
 16 sentative of such deceased inmate within six months after the death of  
 17 such inmate.

Sec. 26. BOARDING OUT INSANE PATIENTS.] Any insane patient in any State

hospital for the insane may be placed at board in a suitable family home by the board, if said board considers such course expedient. The cost to the State of the maintenance of any such boarded out patient shall not exceed the average per capita cost of maintenance in the institution from which such patient is so boarded out. Bills for the support of a patient so boarded out shall be payable quarterly out of the proper maintenance funds and shall be audited as are other accounts of the board. The board shall cause all persons who are boarded out by it in family homes at public expense to be visited at least once each three months, and for this purpose the said board is authorized and empowered to appoint, subject to the provisions of the State civil service law, such visitors as are necessary. Upon the complaint of any boarded out patient or of any responsible citizen or member of the household where such patient is boarded out, the board immediately shall send a visitor to investigate, and, if needful, such patient shall be removed at once to a State hospital for the insane or to another boarding place. Where there is no complaint the board shall cause to be removed, as above, any patient who, upon visitation, is found to be abused, neglected or improperly cared for when boarded out in a family home. The board may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by any such guardian, relative or friend or upon his own application, within such period, without any further order of commitment and may, during such temporary absence, assist in his maintenance to an amount not exceeding the rate paid for his board when boarded out in a family home by the board.

Sec. 27. AFTER CARE OF THE INSANE.] To secure for patients in State hos-

pitals for the insane, the earliest possible discharge from such hospitals and



3 a continuance of expert medical service after discharge, free of cost, each such  
 4 hospital shall institute a plan for the after-care of paroled patients and of  
 5 discharged convalescent patients as follows:

6 A staff physician, or some other suitable person, shall, when the superin-  
 7 tendant deems necessary, visit the home of any paroled patient or any conva-  
 8 lescent patient before discharge and advise with the family as to the care and  
 9 occupation most favorable for the patient's continued improvement and return  
 10 to health; and such visits shall be made from time to time to the patient after  
 11 parole or discharge, as are considered advisable by the superintendent.

Sec. 28. INSTITUTIONS FOR MENTAL AND NERVOUS CASES — BOARD TO LICENSE  
 2 —COMMITMENTS TO UNLICENSED INSTITUTES FORBIDDEN.] All institutions, other  
 3 than State institutions, giving treatment and care to persons suffering from  
 4 mental and nervous diseases, shall provide the Board of Administration with  
 5 detailed information from time to time, regarding their physical equipment and  
 6 medical and nursing service, and shall furnish the board a written certified  
 7 statement every three months, giving the admissions, deaths and discharges  
 8 during the previous three months. The board shall license such institutions as  
 9 it deems, after careful inspection, to be suitably equipped and conducted for the  
 10 treatment and care of persons suffering from mental or nervous diseases, and  
 11 no person so suffering shall be committed to or received or kept against his  
 12 or her, will, contrary to law, in any such institution not having a valid license  
 13 from the board. Any superintendent or responsible head of an institution re-  
 14 ceiving or keeping, contrary to his, or her, will, any person in any such institu-  
 15 tion, not licensed as aforesaid, shall be punished by a fine of not less than fifty  
 16 dollars nor more than one thousand dollars, or by imprisonment in the county  
 17 jail for a term not exceeding six months, or both such fine and imprisonment,  
 18 in the discretion of the court.



Sec. 29. OCCUPATION FOR INMATES.] it shall be the duty of each managing  
 2 officer to develop such occupations as shall serve the mental, moral and physi-  
 3 cal improvement or the happiness of the inmates. and it shall be the duty of the  
 4 board so to co-ordinate these activities as will best serve an educational, econ-  
 5 omical and efficient administration of all the institutions, but without prejudice  
 6 to the primary needs of suitable education for the inmates.

Sec. 30. VISITATION OF CHILDREN—CERTIFICATION OF ASSOCIATIONS.] The Board  
 2 of Administration shall possess and have all the powers and shall perform all  
 3 the duties in regard to the visitation of children placed in family homes and the  
 4 incorporation, supervision and certification of associations whose objects may  
 5 embrace the care of dependent, neglected or delinquent children, which are now  
 6 vested by law in the Board of State Commissioners of Public Charities; and  
 7 the said Board of State Commissioners of Public Charities is hereby relieved  
 8 from any duty heretofore imposed upon it by any law of this State in relation  
 9 thereto, and the said Board of Administration is fully authorized and empow-  
 10 ered from and after the date this Act goes into effect to perform the  
 11 same.

Sec. 31. STATE CONFERENCES.] The Charities Commission, at such times  
 2 and places as it deems advisable, may hold conferences of officers  
 3 of State, county and municipal charitable institutions, officials respon-  
 4 sible for the administration of public funds used for the relief or  
 5 maintenance of the poor, and boards of institution visitors, and of  
 6 county visitors, to consider in detail questions of management, the  
 7 methods to be pursued and adopted to secure the economical and  
 8 efficient conduct of such institutions, the most effective plans for grant-  
 9 ing public relief to the poor, and similar subjects. All officials duly invited  
 10 to such conferences shall be entitled to actual necessary expenses, payable

11 from any funds available for their respective boards and institutions, pro-  
 12 vided they procure a certificate from the executive secretary of the said Char-  
 13 ities Commission that they were invited to and were in actual attendance at the  
 14 sessions of the conference.

Sec. 32. PLANS FOR JAILS AND ALMSHOUSES SUBMITTED TO BOARD. ] No  
 2 county, city or village shall erect, add to or remodel a jail, almshouse, infirm-  
 3 ary, prison, house of correction or workhouse without first submitting plans  
 4 and specifications therefor to the Board of Administration for its criticism  
 5 and suggestions for the improvement of same.

Sec. 33. INVESTIGATIONS.] The Board of Administration and the Charities  
 2 Commission may make such investigations as may be necessary to the  
 3 Performance of their respective duties imposed by law. In the course  
 4 of any such investigation each member of either board or commission shall have  
 5 the power to administer oaths, and either board or commission shall have  
 6 power to secure by its subpoena both the attendance and testimony of wit-  
 7 nesses and the production of books and papers relevant to such inves-  
 8 tigation.

Sec. 34. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND  
 2 PAPERS.] Any person who shall be served with a subpoena by the Board of Ad-  
 3 ministration or the Charities Commission to appear and testify, or  
 4 to produce books and papers, issued by either board or commission in  
 5 the course of an investigation authorized by law, and who shall refuse or neg-  
 6 lect to appear, or to testify, or to produce books and papers relevant to said  
 7 investigation, as commanded in such subpoena, shall be guilty of a misde-  
 8 meanor and shall, on conviction, be punished by a fine of not less than fifty  
 9 dollars nor more than one thousand dollars, or by imprisonment in the county

10 jail for a term not exceeding six months, or both such fine and imprisonment,  
 11 in the discretion of the court. The fees of witnesses for attendance and travel  
 12 shall be the same as the fees of witnesses before the circuit courts of this  
 13 State. Any circuit court of this State, or any judge thereof, either in term  
 14 time or vacation, upon application of any member of either board or commis-  
 15 sion may, in his discretion, compel the attendance of witnesses, the production  
 16 of books and papers, and giving of testimony before either board or commis-  
 17 sion, or before any member of either board or commission, by an attachment  
 18 for contempt or otherwise, in the same manner as production of evidence may  
 19 be compelled before said court. Every person who, having taken an oath or  
 20 made affirmation before a member of either board or commission, shall wil-  
 21 fully swear or affirm falsely, shall be guilty of perjury and upon conviction  
 22 shall be punished accordingly.

Sec. 35. TIME WHEN ACT GOES INTO FULL EFFECT.] To give the Board of Ad-  
 2 ministration, provided for herein, adequate time to prepare the administrative  
 3 details for its actual service, no part of this Act shall be in force and effect before  
 4 the first day of January, 1910, except paragraphs A, B, C, D and E of section 4.  
 5 This Act shall be in full force and effect in all of its particulars from and after the  
 6 first day of January, 1910, when the Board of Administration shall assume all  
 7 of its duties. The salaries of the members of the said Board of Administration  
 8 shall be allowed them beginning with the date of their taking the oath pre-  
 9 scribed in section 4 of this Act; and they, further, shall be allowed, from any  
 10 funds in the State treasury not otherwise appropriated, such expenses as are  
 11 incurred in preparation of the details of the service which becomes operative  
 12 fully on the first day of January, 1910.

Sec. 36. REPEAL.] The following Acts and parts of Acts are hereby re-  
 2 pealed:

3       An Act entitled "An Act to provide for the appointment of a Board of  
4 Commissioners of Public Charities and defining their duties and powers," ap-  
5 proved and in force April 9, 1869.

6       An Act entitled "An Act to promote the care and curative treatment of  
7 the insane," approved June 4, 1907, in force July 1, 1907.



AMENDMENTS TO

46th Assem.      Senate Bill No. 448 in House      May 1909

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AMENDMENT NO. 1.

Amend Senate Bill No. 448 by striking out the title of said bill and inserting in lieu thereof the following:

**A BILL**

For an Act to regulate the State charitable institutions and to repeal certain Acts.

AMENDMENT NO. 2.

Amend Senate Bill No. 448 by striking out all after the enacting clause and insert in lieu thereof the following:

When used in this chapter, the term "poor person" means a person who is

2 unable to maintain himself and having no one legally liable and able to main-  
3 tain him; the term an "indigent person" means one who has not sufficient  
4 property to support himself while insane, and the members of his family law-  
5 fully dependent upon him for support; the term "institution" means any hos-  
6 pital, asylum, building, buildings, house or retreat authorized by law to have the  
7 care, treatment or custody of the insane; the term "commission" means the  
8 State Commission of Control; the term "patient" means an insane person com-  
9 mitted to an institution according to the provisions of this chapter.

Sec. 2. *Appointment, Qualifications, Terms of Office and Salaries of Com-*

2 *missioners.*—There shall be a State Commission of Control, consisting of five  
3 (5) commissioners, all of whom shall be citizens of this State, all of whom

3 shall devote their entire time to the duties of their office. Two of them shall be  
5 reputable physicians, graduates of an incorporated medical college of at least  
6 ten years' experience in the actual practice of their profession, who have had  
7 five years' actual experience in the care and treatment of the insane, and who  
9 have had experience in the management of institutions for the insane. One of  
9 such commissioners shall be a reputable attorney and counsellor-at-law of the  
10 courts of this State, of not less than ten years' standing. The other two com-  
11 missioners shall be reputable citizens. The president of the commission shall  
12 receive an annual salary of seven thousand five hundred dollars, and twelve hun-  
13 dred dollars in lieu of his traveling and incidental expenses, payable monthly.  
14 Each of the other commissioners shall receive an annual salary of five thousand  
15 dollars, and twelve hundred dollars in lieu of his traveling and incidental ex-  
16 penses payable monthly. The commissioners, when appointed, shall determine  
17 by lot the length of their respective terms, one of them retiring at the end of  
18 each year, and the member having the shortest term to serve shall be the presi-  
19 dent of said commission; and thereafter one commissioner shall be appointed  
20 each year for the regular term of five (5) years. A commissioner may be re-  
21 moved by the Governor for cause, stated in writing, after an opportunity has  
22 been given him to be heard thereon. The full term of office of a commissioner  
23 shall be five (5) years. Where the term of office of a commissioner other than  
24 the president expires at a time other than the last day of September, the term  
25 of office of his successor is abridged so as to expire on the last day of September  
26 preceding the time when such term would otherwise expire, and the term of  
27 office of each such commissioner thereafter appointed shall begin on the first day  
28 of October. The commissioners shall be appointed by the Governor, by and  
29 with the advice and consent of the Senate; but not more than three members of  
30 the said commission shall belong to or be affiliated with the same political party.

*Sec. 3. Office and Clerical Force of Commission; Medical Inspector.*—The

2 commission shall be provided by the proper authorities with a suitably furnished  
 3 office in the State capitol, where it shall hold stated meetings at least once in  
 4 three months. It may hold other meetings, at such office or elsewhere, as it may  
 5 deem necessary. It may employ a secretary, a stenographer and such other em-  
 6 ployes as may be necessary. The salaries and reasonable expenses of the com-  
 7 mission and of the necessary clerical assistants shall be paid by the Treasurer of  
 8 the State on the warrant of the Auditor, out of any moneys appropriated for the  
 9 support of the insane.

10 The State Commission of Control may also appoint a medical inspector, who  
 11 shall be a well educated physician, a graduate of an incorporated medical college,  
 12 and who shall have had actual experience in an institution for the care and  
 13 treatment of the insane. Such inspector shall receive an annual salary to be  
 14 fixed by the commission, subject to the approval in writing of the Governor, not  
 15 to exceed five thousand dollars, and all his actual and necessary traveling ex-  
 16 penses incurred by him in the performance of his duties, which shall be audited  
 17 and paid in the same manner as the other expenses of the commission. He shall  
 18 subject to the direction of the commission, visit and inspect the several State hos-  
 19 pitals and other institutions for the insane which are subject to the supervision,  
 20 visitation and inspection of the commission. He shall, subject to the direction  
 21 of the commission, make an examination, so far as circumstances may permit,  
 22 of the patients confined in such hospitals and institutions, especially those ad-  
 23 mitted thereto since his preceding visit, giving such as may request it suitable  
 24 opportunity to converse with him apart from the officers and attendants. He  
 25 shall perform such other duties as may be prescribed and directed by the com-  
 26 mission.

*Sec. 4. Official Seal and Execution of Papers.*—The commission shall have

2 an official seal. Every process, order or other paper issued or executed by the

3 commission, may, by the direction of the commission, be attested, under its seal,  
 4 by its secretary or by any member of the commission, and when so attested shall  
 5 be deemed to be duly executed by the commission.

Sec. 5. *General Powers.*—The commission is charged with the execution of  
 2 the laws relating to the custody, care and treatment of the insane, including  
 3 feeble minded persons and epileptics as such and idiots and the inmates of the  
 4 other State charitable institutions in this State. They shall examine all institu-  
 5 tions, public and private, and those authorized by law to receive and care for the  
 6 insane, and inquire into their methods of government and the management of all  
 7 such persons therein. They shall examine into the condition of all buildings,  
 8 grounds and other property connected with any such institution, and into all  
 9 matters relating to its management. For such purpose each commissioner shall  
 10 have free access to the grounds, buildings and all books and papers relating to  
 11 any such institution. All persons connected with any such institution shall give  
 12 such information, and afford such facilities for any such examination or inquiry  
 13 as the commissioners may require. The commission may, by order, appoint a  
 14 competent person to examine the books, papers and accounts, and also into the  
 15 general condition and management of any institution to the extent deemed neces-  
 16 sary and specified in the order.

Sec. 6. *General Powers as to State Hospitals.*—The commission shall, sub-  
 2 ject to the powers hereinafter granted to boards of managers:

3 1. Have the general oversight of the State hospitals, and the control of all  
 4 the property thereof, and shall see that the purposes of such hospitals are car-  
 5 ried into effect by the boards of managers according to law.

6 2. Accept and hold in behalf of the State, if for the public interest, a grant  
 7 gift, devise or bequest, of money or property, to the State of Illinois, to the Com-  
 8 mission of Control, or to any State hospital or the managers thereof, heretofore



9 or hereafter made intrust for the maintenance or support of an insane person or  
10 persons in a State hospital or hospitals, or for any other legitimate purpose con-  
11 nected with any such hospital or hospitals. The commission shall cause each  
12 said gift, grant, devise or bequest to be kept as a distinct fund, and shall invest  
13 the same in the manner provided by the laws of this State as the same now ex-  
14 ist, or shall hereafter be enacted, relating to securities in which the deposits in  
15 savings banks may be invested. But the commission may, in its discretion, de-  
16 posit in a proper trust company or savings bank, during the continuance of the  
17 trust, any fund so left in trust for the life of a single person, and shall adopt rules  
18 and regulations governing the deposit, transfer or withdrawal of such fund. The  
19 commission shall, on the expiration of any trust as provided in any instrument  
20 creating the same, dispose of the fund thereby created in the manner provided in  
21 such instrument. The commission shall include in its annual report a statement  
22 showing what funds are so held by it and the condition thereof.

Sec. 7. *Official Visits.*—The commission, or a majority thereof, shall visit  
2 every such State hospital jointly or by a majority of the commission, and every  
3 such private institution by one member of the commission at least twice in each  
4 calendar year. Such visits shall be made on such days and at such hours of the  
5 day or night, and for such length of time, as the visiting commissioner may  
6 choose. But each commissioner may make such other visits as he or the com-  
7 mission may deem necessary. Each visit shall include, to the fullest extent  
8 deemed necessary, an inspection of every part of each institution, and all the  
9 out-houses, places, buildings and grounds belonging thereto or used in connec-  
10 tion therewith. The commissioners shall, from time to time, make an examina-  
11 tion of all the records and methods of administration, the general and special  
12 dietary, the stores and methods of supply, and, as far as circumstances may per-  
13 mit, of every patient confined therein, especially those admitted since the pre-  
14 ceding visit, giving such as may require it suitable opportunity to converse with

15 the commissioners apart from the officers and attendants. They shall, as far as  
16 they deem necessary, examine the officers, attendants and other employes, and  
17 make such inquiries as will determine their fitness for their respective duties. At  
18 the next regular or special meeting of the commission, after any such visit, the  
19 visiting commissioners shall report the result thereof, with such recommenda-  
20 tions for the better management or improvement of any institutions as they may  
21 deem necessary. But such recommendations shall not be contrary to the doc-  
22 trines of the particular school of medicine adopted by such institutions. The  
23 commissioners shall, at least once each year, at a time to be appointed by the  
24 commission, meet the managers of such institutions, or as many of the number  
25 as practicable, in conference, and consider in detail all questions of management  
26 and improvement of the institution, and they, or one or more of them, with the  
27 managers, shall inspect the institution, or such parts thereof as they may deem  
28 necessary, and shall also send to the managers, in writing, if approved by a  
29 majority of the commissioners, such recommendations in regard to the manage-  
30 ment and improvement of the institution as they may deem necessary or de-  
31 sirable.

Sec. 7a. *Visitation and Inspection of Certain Institutions.*—Any member  
2 of the commission or the medical inspector may visit any sanitarium or other  
3 institution, wherein sick or infirm persons are received, cared for or treated, for  
4 compensation or hire, for the purpose of ascertaining whether insane persons  
5 are confined therein without authority, and contrary to the provisions of law.  
6 All persons having charge of, and connected with any such sanitarium or in-  
7 stitution shall permit any member of the commission and the medical inspector  
8 to have free access to any portion thereof, and shall give such information and  
9 afford such facilities for inspection or inquiry as the member of the commission  
10 or the medical inspector making such visit and inspection may require.

Sec. 8. *Regulations and Forms.*—The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane shall be allowed to correspond, without restriction, with the county judge and district attorney of the county from which they were committed. The books of record and blank forms for the official use of the hospitals shall be uniform, and shall be approved by the commission.

Sec. 9. *Annual Report.*—The commission shall, annually, report to the Legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the Legislature, including estimates of the amounts required for the use of the State hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers of each State hospital and other State, public or private institutions. The commission shall determine from time to time the capacity of each of the State hospitals and shall incorporate a statement of such capacity in its annual report to the Legislature.

Sec. 10. *State Hospital Districts; How Defined.*—The State Commission of Control shall divide the State into as many State hospital districts as there are State hospitals. No county shall be divided in such classification, unless the same contains over one hundred thousand population. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new State hospital shall be established, it shall again divide the State into hospital districts. Before any change or re-establishment of hospital districts shall be made, the board of managers of each hospital to be affected thereby

shall be notified by the commission that they may be heard in regard thereto, at a time and place to be specified in said notice. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion as nearly as practicable, to the accommodations which are or may be provided by the State hospital or hospitals within such district.

Sec. 11. *Change of Hospital Districts and Re-assignment of Patients.*—

When a change or re-establishment of State hospital districts shall be made, or a new State hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the Secretary of State, and send a copy to the managers and superintendent of each State hospital affected by such change, and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the State, affected by such change, to be filed in his office.

Sec. 12. *Record of Patients.*—The commission shall keep in its office, and accessible only to the commissioners, their secretary and clerk, except by the consent of the commission or one of its members, or an order of a court of record, a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition and date of commitment of every patient in custody in the several institutions for the care and treatment of insane persons in the State, and the name and residence of the person making the petition for commitment, and of the persons signing such medical certificate, and of the judge making the order of commitment.

2. The name of the institution where each patient is confined, the date of admission, and whether brought from home or another institution; and if from another institution, the name of such institution, by whom brought, and the patient's condition.



15       3. The date of the discharge of each patient from such institution since  
 16 the first day of October, A. D. nineteen hundred and eight, whether recovered,  
 17 improved or unimproved, and to whose care committed.

18       4. If transferred, for what cause, and to what institution; and if dead,  
 19 the date and cause of death.

Sec. 13. *Institution to Furnish Information to Commission.*—The authori-  
 2 ties of the several institutions for the insane shall furnish to the commission  
 3 the facts mentioned in the last preceding section, and such other obtainable  
 4 facts relating thereto as the commission may, from time to time, in the just  
 5 and reasonable discharge of its duties, require of them, with the opinion of  
 6 the superintendent thereon, if requested. The superintendent or person in  
 7 charge of such institution, whether public or private, must, within ten days  
 8 after the admission of an insane person thereto, cause a true copy of the medi-  
 9 cal certificate and order on which such person shall have been received to be  
 10 made and forwarded to the office of the commission; and when a patient shall  
 11 be discharged, transferred or shall die therein, such superintendent or person  
 12 in charge shall, within three days thereafter, send the information to the of-  
 13 fice of the commission, in accordance with the forms prescribed by it.

Sec. 14. *Commission to Provide for the Prospective Wants of the Insane.*

2 —The commission shall provide sufficient accommodations for the prospective  
 3 wants of the insane of the State. To prevent overcrowding in the State hos-  
 4 pitals, it shall recommend to the Legislature the establishment of other State  
 5 hospitals, in such parts of the State as in its judgment will best meet the re-  
 6 quirements of such insane. It shall also furnish to the Legislature, in each  
 7 year, an estimate of the probable number of patients who will become inmates  
 8 of the respective State hospitals during the year beginning October first next  
 9 ensuing, and the cost of all the additional buildings and equipments, if any,

10 which will be required to carry out the provisions of this chapter relating to  
11 the care, custody and treatment of the insane of the State. No money shall be  
12 expended for the erection of additional buildings or for unusual repairs or im-  
13 provements of State hospitals, except upon plans and specifications to be ap-  
14 proved by the commission and the Governor. The cost of such buildings as  
15 are to be occupied by patients, erected on the grounds of existing State hos-  
16 pitals, including the necessary equipment for heating, lighting, ventilating,  
17 fixtures and furniture, shall, in no case, exceed the proportion of five hundred  
18 dollars per capita for the patients to be accommodated therein; except that  
19 for buildings specially designed and equipped for the active medical and gen-  
20 eral care and treatment of insane patients of the acute and curable class, the  
21 cost shall not exceed the proportion of one thousand dollars per capita for the  
22 patients to be accommodated therein. No municipality of the State shall have  
23 the power to modify or change plans or specifications for the erection, repair  
24 or improvement of State hospital buildings or the plumbing or sewerage con-  
25 nected therewith. The commission may secure a blanket policy of insurance  
26 covering any or all the buildings, property or fixtures of the State hospitals.

Sec. 15. *Director of Pathological Institute.*—The commission shall, after  
2 a special civil service examination therefor, appoint a director of the patho-  
3 logical institute, who shall perform, under the direction of the commission,  
4 such duties relating to pathological research as may be required for all of the  
5 State hospitals for the insane. His office and laboratory shall be in the city  
6 of Chicago. He shall receive an annual salary to be fixed by the commission,  
7 subject to the approval of the Governor. The State hospitals shall co-oper-  
8 ate with the pathological institute in such manner as the commission may  
9 from time to time direct.

Sec. 16. *State Hospitals for the Insane.*—There shall continue to be the

2 following hospitals for the care and treatment of the insane of the State, which  
3 are hereby declared to be corporations:

4 1. The Illinois Northern Hospital for Insane, at Elgin, in Kane county.

5 2. The Illinois Eastern Hospital for Insane, at Kankakee, in Kankakee  
6 county.

7 3. The Illinois Western Hospital for Insane, at Watertown, in Rock Island  
8 county.

9 4. The Illinois Central Hospital for Insane, at Jacksonville, in Morgan  
10 county.

11 5. The Illinois Southern Hospital for Insane, at Anna, in Williamson  
12 county.

13 6. The Illinois General Hospital for the Insane, at Bartonville, in Peoria  
14 county.

15 7. The Asylum for Insane Criminals, at Menard, in Randolph county.

Sec. 17. *Managers of State Hospitals and Their Terms of Office.*—Each

2 State hospital shall be under the control and management of a board of man-  
3 agers, subject to the statutory powers of the commission. On or after the first  
4 of October, nineteen hundred and nine, the Governor shall appoint a board,  
5 consisting of seven (7) members, not more than four (4) of whom shall be  
6 long to or be affiliated with the same political party. He shall so arrange  
7 their terms of office of one, two, three, four, five, six and seven years that a  
8 term shall expire on the thirtieth day of September in each year, beginning  
9 with the year nineteen hundred and ten. After the expiration of such terms,  
10 managers shall be appointed for terms of seven years. If a vacancy occur  
11 otherwise than by expiration of term, the appointment of manager to fill such  
12 vacancy shall be for the unexpired term of the manager whose office became  
13 vacant.

Sec. 18. *Appointment and Removal of Managers.*—The members of the  
 2 boards of managers shall be appointed by the Governor, by and with the ad-  
 3 vice and consent of the senate, as often as a vacancy shall occur by expiration  
 4 of term, or otherwise; and they may severally continue in office until their  
 5 successors are appointed and have qualified; and they shall be subject to re-  
 6 moval by the Governor after having been notified in writing of the reasons for  
 7 the proposed removal, and having been given given an opportunity to be  
 8 heard. All managers shall reside in the hospital district in which the hospital  
 9 is situated for which they are respectively appointed. No person shall be  
 10 eligible to the office of manager who is either an elective State officer or a mem-  
 11 ber of the Legislature, and if any such manager shall become a member of the  
 12 Legislature or an elective State officer, his office as manager shall thereupon  
 13 be vacant. If any manager fails for a period of six months to attend the regu-  
 14 lar meetings of the board of which he is a member, the secretary of the board  
 15 shall notify the Governor of such absence, with any explanation thereof which  
 16 may be submitted by such manager, and unless the Governor shall, within  
 17 thirty days thereafter, notify the secretary that he has excused such manager  
 18 for such absence, the office of such manager shall thereupon be deemed to be  
 19 vacant; and if any manager fails for one year to attend such regular meetings,  
 20 his office shall become vacant. When any such vacancy shall occur, the board,  
 21 by resolution, shall so declare, and a certified copy of such resolution shall  
 22 forthwith be transmitted by the board to the commission and to the Governor.  
 23 In the month of January of each year the secretary of the board of managers  
 24 shall transmit to the Governor a statement showing the record of attendance  
 25 of each manager at meetings of the board. the number and dates of visits to  
 26 the hospital, with a statement of any other work for the hospital performed  
 27 by such manager, which such manager may request to have transmitted to the  
 28 Governor. The manager whose term is first to expire shall act as president  
 29 of the board of managers of each institution.



Sec. 19. *General Powers and Duties of Board of Managers.*—Subject to

2 the statutory powers of the commission, boards of managers shall have the  
3 general direction and control of all the property and internal affairs of the  
4 institutions for which they are respectively appointed, except as otherwise pro-  
5 vided by law. A committee consisting of one member of each board of man-  
6 agers, or other representative designated by such board, shall establish by-laws,  
7 rules and regulations governing the appointment and duties of officers and em-  
8 ployes of all the State hospitals, and for the internal government, discipline  
9 and management of the same, subject to the approval of the commission. Such  
10 by-laws, rules and regulations shall be uniform for all the State hospitals, and  
11 shall not be inconsistent with the provisions of this Act nor with the provisions  
12 of the civil service law and the rules and regulations established thereunder.  
13 The managers shall not receive any compensation for their services, but shall  
14 receive actual and necessary traveling and other expenses, to be paid after  
15 audit as other current expenditures of the hospital. Each board shall, in Octo-  
16 ber of each year, elect from among its members a secretary. The superin-  
17 tendent shall personally submit, at each monthly meeting of the board of man-  
18 agers, a report showing changes in population, health of patients, officers and  
19 employes; accidents, suicides, unusual sickness, infectious diseases; important  
20 occurrences relating to the welfare of the patients and to the management and  
21 discipline of the employes, and such other matters as the board may specify.  
22 Each board shall:

23 1. Take care of the general interests of the hospital and see that its design  
24 is carried into effect, according to law, and the by-laws, rules and regulations  
25 made as above provided.

26 2. Maintain an effective inspection of the hospital, for which purpose the  
27 board, or a majority of its members, shall visit and inspect the hospital at least  
28 once each month. Each board shall make a written report to the commission

29 and to the Governor within ten days after each inspection, such report to be  
30 signed by each member making the inspection. Such report shall state in detail  
31 the condition of the hospital and of its inmates, and such other matters pertaining  
32 to the management and affairs thereof as in the opinion of the board should be  
33 brought to the attention of the commission or the Governor, and may contain re-  
34 commendations as to needed improvements in the hospital or in its management.

35 3. Keep in a book provided for that purpose a fair and full record of their  
36 doings, which shall be open at all times to the inspection of the Governor of  
37 the State, the commissioners of control, or any person appointed by the Gov-  
38 ernor, the commission of control, or either house of the Legislature, to exam-  
39 ine the same.

40 4. Hold regular meetings at least once each month, and cause to be type-  
41 written within ten days after such meeting, the minutes and proceedings of such  
42 meeting, and cause a copy thereof to be sent forthwith to each member of such  
43 board, to the commission and to the Governor.

44 5. Enter in a book, kept at the hospital for that purpose, the date of each  
45 visit of each manager.

46 6. Make to the commission, in October of each year, a detailed report of the  
47 results of their visits and inspection, with suitable suggestions and such other  
48 matters as may be required of them by the commission, for the year ending on  
49 the thirtieth day of September preceding the date of such report. Such report  
50 shall be prepared by a committee of the board, subject to the approval of the  
51 board.

52 7. Investigate, hear and determine the truth of all charges made against  
53 the superintendent or other officer or employe of a hospital, issue subpoenas  
54 and take and hear testimony in respect to such charges. A witness attending  
55 before such board shall be entitled to the same fees as a witness attending be-

fore a court of record or a judge thereof, which shall be paid as other hospital charges. The resident officers shall admit such managers into every part of the hospital and its buildings, and exhibit to them, on demand, all the books, papers, accounts and writings belonging to the hospital, or pertaining to its business, management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

Sec. 20. *Officers.*—The Commission of Control shall appoint, subject to the approval of the board of managers for each hospital, as often as a vacancy shall occur therein, a superintendent. Whenever a vacancy shall occur in the office of superintendent of any State hospital, the Commission of Control, with the approval of the board of managers of such hospital, may transfer to such position the superintendent of any other State hospital, and subject to the consent of the board of managers of such other State hospital. The superintendent shall be a well educated physician and a graduate of an incorporated medical college, of at least five years' actual experience in an institution for the care and treatment of the insane. Each superintendent shall be the treasurer of the State hospital for which he is appointed, unless the commission shall designate a person to act as treasurer as hereinafter provided, and before entering upon his duties as such treasurer shall file with the State Auditor his undertaking to the people, in an amount and with sureties to be approved by the State Auditor, to the effect that he will faithfully perform his trust as such treasurer. The superintendent may be removed by a vote of a majority of the board of managers, for cause stated in writing, and after an opportunity has been given him to be heard thereon, and such action, when approved by the commission, shall be final. Pending the investigation of any charges against a superintendent, and the decision thereon, the board of managers may suspend such superintendent. The commission may prefer charges of misconduct or incompetency against any superintendent to the board of managers of the hospital of which he is superin-



23 tendent, and the board shall thereupon investigate the truth of such charges. On  
 24 the first day of October, nineteen hundred and eight, the office of treasurer in  
 25 each of the State hospitals shall be abolished, and their powers and duties may be  
 26 conferred upon the superintendent, or the commission may designate a person  
 27 in its office to act as treasurer for all the hospitals, who shall have the powers and  
 28 perform the duties of treasurer as to such hospital, as prescribed in this chapter,  
 29 and shall perform such other duties as the commission may impose. The person  
 30 so designated, before entering upon the performance of his duties as such treas-  
 31 urer, shall file with the State Auditor his undertaking, in an amount and with  
 32 sureties to be approved by him, to the effect that he will faithfully perform his  
 33 trust as such treasurer. A superintendent in office on the first day of October,  
 34 nineteen hundred and nine, shall be continued in office until removed pursuant  
 35 to law, notwithstanding the change hereby made in the manner of his appoint-  
 36 ment.

Sec. 21. *General Powers and Duties of Superintendent.*—The superintend-  
 2 ent of each hospital shall be its chief executive officer, and in his absence or sick-  
 3 ness, the first assistant physician or other officer designated by the superintend-  
 4 ent shall perform the duties, exercise the powers, and be subject to the responsi-  
 5 bilities of the superintendent. Subject to the by-laws and regulations established  
 6 by the commission and the managers under the provisions of this Act, the super-  
 7 intendent shall have general superintendence of the buildings, grounds and farm,  
 8 together with their furniture, fixtures and stock, and the direction and control of  
 9 all persons therein, and subject to such by-laws and regulations shall:

10 1. Personally maintain an effective supervision and inspection of all parts  
 11 of the hospital and generally direct the care and treatment of the patients. To  
 12 this end the superintendent shall personally examine the condition of each pa-  
 13 tient within five days after his admission to the hospital, and shall regularly visit



all of the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe.

2. Appoint such resident officers, including a woman physician and such employes as he may think proper and necessary for the economical and efficient performance of the business of the hospital and prescribe their duties, and for cause stated in writing, after an opportunity to be heard, discharge any of such employes in his discretion, but an appointment of a steward by such superintendent shall be approved by the commission before taking effect, and such steward shall not be removed without the consent in writing of the commission. The number of such resident officers and employes shall be determined, from time to time, by the commission. The commission may, with the approval of the Governor, abolish the office of any of such resident officers or employes. The superintendent may remove any resident officer for cause stated in writing, after an opportunity to be heard, and such action shall be final. Upon any such removal he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital.

The superintendent, assistant physicians, including the woman physician, steward, and matron, shall constantly reside in the hospital, or on the premises, except as provided in this Act, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the Commission of Control, and to the president of the board of managers, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer or employe, with the facts relating to his discharge, in a book provided for that purpose.

41       4. Designate hospital attendants or employes to act as special policemen,  
42 whose duty it shall be, under the orders of the superintendent, to arrest and return  
43 to the hospital insane persons who may escape therefrom, and to preserve peace  
44 and good order in such hospital and to fully protect the grounds, buildings and  
45 patients. Such attendants and employes acting as policemen shall possess all the  
46 powers of peace officers on the grounds and premises of such hospital and to the  
47 extent of one hundred yards beyond such grounds. The designation of such at-  
48 tendants and employes as special policemen, in pursuance hereof, shall not be  
49 deemed to supersede, on the grounds and premises of such hospital, the authority  
50 of peace officers of the jurisdiction within which such hospital is located.

51       5. Give such orders and instructions as he may deem best calculated to insure  
52 good conduct, fidelity and economy in every department of labor and expense.

53       6. Maintain salutary discipline among all who are employed in the institu-  
54 tion and enforce strict compliance with his instructions and uniform obedience to  
55 all rules and regulations of the hospital.

56       7. Establish and supervise a training school for attendants and nurses,  
57 under rules and regulations of the hospital.

58       8. The superintendent shall hold at least two meetings weekly with the med-  
59 ical staff, at which the condition of patients, especially those recently admitted,  
60 shall be considered, and matters of medical service generally shall be given at-  
61 tention. The superintendent shall cause a complete clinical record to be made  
62 of each patient, to be kept in such form and to comprise such matters the com-  
63 mission may direct.

64       9. Cause full and fair accounts and records of the entire business and  
65 operations of the hospital to be kept regularly, from day to day, in books pro-  
66 vided for that purpose.

67       10. See that all such accounts and records are fully made up to the last day  
68 of September in each year, and that the principal facts and results, with his re-

port thereon, be presented to the board of managers within thirty days thereafter, who shall incorporate it in their report to the commission. The commission may prescribe the form of and the subjects to be embraced in such reports. Such superintendent shall make other reports at such times, and in such manner and in respect to such matters as the board of managers or the commission may direct.

11. Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence and occupation, and the date of such reception, by whom brought and by what authority and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates and other papers accompanying such person.

Sec. 22. *Purchasing Steward for State Institutions.*—The office of purchasing steward for the several State hospitals for the insane and State charitable institutions is hereby established. The purchasing steward for such hospitals and other said State institutions shall be appointed by the commission, and may be removed by it for cause stated in writing, after an opportunity to be heard, and such action shall be final. Such purchasing steward shall make all purchases for each of such hospitals and other said State institutions, in accordance with estimates made as provided by this chapter, after a requisition therefor, approved by the superintendent of the hospital for which such purchases are required. He shall visit the hospitals and other said State institutions for which he acts, from time to time, and confer with the superintendents and resident stewards thereof as to the quantity, quality and price of supplies required therefor. He shall perform such other duties in respect to the purchase of supplies for such hospitals as may be prescribed by the commission. A resident steward for each of such hospitals and other said State institutions shall be appointed and shall possess all the powers and perform all the duties conferred or imposed upon stewards of State hospitals by this chapter, except as herein



18 otherwise provided. Such purchasing steward shall have an office in the cities  
 19 of Chicago, Springfield and East St. Louis, and may appoint such clerks and as-  
 20 sistants as may be authorized by the commission. The salaries of such purchas-  
 21 ing steward and of such clerks and assistants shall be fixed by the commission  
 22 in the same manner as those of other officers and employes. Such salaries, to-  
 23 gether with the necessary office, traveling and other expenses of such purchasing  
 24 steward, actually incurred by him in the performance of his duties, shall be paid  
 25 by the hospitals for which he acts, to be apportioned by the commission.

Sec 23. *Meetings of Superintendents.*—The superintendents or other offi-  
 2 cers of the several State hospitals designated by them shall meet, at least once in  
 3 every three months, upon the call of the commission, at the office of the commis-  
 4 sion at Springfield, or at such other place as may be designated by it, to consult  
 5 with such commission with reference to matters relating to the care and opera-  
 6 tion of the State hospitals and particularly with reference to the care and treat-  
 7 ment of the insane. Each board of managers may, in its discretion, send one  
 8 of its members to such meetings.

Sec. 24. *Salaries of Officers and Wages of Employes.*—The commission,  
 2 from time to time, with the approval in writing of the Governor, Secretary of  
 3 State and State Auditor, shall fix the annual salaries of the resident officers of  
 4 the State hospitals, which shall be uniform for like service. They shall classify  
 5 the other officers and employes into grades, and, except as provided by this chap-  
 6 ter, shall determine the salaries and wages to be paid in each grade, which shall  
 7 be uniform in all the hospitals. The salaries and wages shall be included in the  
 8 estimates and paid in the same manner as other expenses of the State hospitals.  
 9 Food supplies shall be allowed to officers and employes and the families of the  
 10 superintendents, first assistant physicians and stewards. Such families shall  
 11 consist only of the wives and minor children of such officers; no other persons,



except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use. With the approval of the commission, officers or employes of State hospitals may be permitted to live outside of such hospitals, and shall receive such sums in lieu of the quarters or supplies furnished by the hospitals, as may be equitable.

Sec. 25. *Quarterly Estimates of Expenses; Emergency Fund.*—The super-

intendent of each of the State hospitals and other said State institutions shall, once in each three months as the commission may determine, cause to be prepared triplicate estimates, in minute detail, of the expenses required for the hospital of which he is the superintendent, for the ensuing three months. He shall submit two of such triplicates to the commission and file the third copy in the office of the superintendent. The commission may revise estimates for supplies or other expenditures either as to quantity, quality, or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimates, as approved or revised by it, are actually required for the use of the hospital, and shall thereupon present such estimate and certificate to the State Auditor. Upon the revision and approval of such estimate by the commission, the State Auditor shall authorize the superintendent as treasurer, or such other officer as the commission may designate as provided in this chapter, to make drafts on the State Auditor, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on the warrant of the State Auditor, out of the funds in the treasury of the State held for the care of the insane and the maintenance of State hospitals. In every such estimate there shall be a sum named, not to exceed one thousand dollars, as an emergency fund for which no minute detailed statement need be made. No money shall be expended for the use of any of the State hospitals, except as provided in this section.

23 Any general expenses necessarily incurred by the commission for or on  
 24 account of the State hospitals shall be apportioned to such hospitals on the  
 25 basis of the number of patients, and included in the estimates of such hospitals,  
 26 made as provided in this section under the direction of the commission.

Sec. 26. *Powers and Duties of Superintendent as Treasurer.*—The super-

2 intendent as treasurer of such hospital, or such officer as may be designated as  
 3 treasurer by the commission as provided in this chapter, shall, subject to the  
 4 rules and regulations of the commission, pertaining to his duties as treasurer:

5 1. Have the custody of all moneys received from the State Treasurer on  
 6 account of estimates made by the superintendent and revised and approved by  
 7 the commission, and keep an accurate account thereof.

8 2. Have the custody of all bonds, notes, mortgages and other securities  
 9 and obligations belonging to the hospital.

10 3. Receive all money for the care and treatment of private and re-imburs-  
 11 ing patients and other sources of revenue of the hospital; but where a designa-  
 12 tion of a person as treasurer is made as provided by this chapter, the steward  
 13 shall receive all such money and transmit the same, once each week, to the  
 14 person so designated as treasurer, and report the amount so transmitted to the  
 15 superintendent.

16 4. Deposit all money received from the State Treasurer on account of esti-  
 17 mates in a bank designated by the State Auditor, in his name, as treasurer, and  
 18 send each month to the State Auditor and to the commission a statement showing  
 19 the amount so received and deposited, and from whom and for what received,  
 20 and when such deposits were made. Such statement of deposit shall be certi-  
 21 fied by the proper officer of the bank receiving such deposit. The superintendent,  
 22 as treasurer, or other officer designated as treasurer by the commission, as pro-  
 23 vided in this chapter, shall make an affidavit to the effect that the sum so de-  
 24 posited is all the money received by him, from any source of hospital income, up

25 to the time of the last deposit appearing on such statement. A bank designated  
 26 by the State auditor to receive such deposits shall, before any deposit is made,  
 27 execute a bond to the people of the State, in a sum approved by the State Auditor,  
 28 for the safe keeping of the funds deposited.

29 5. Pay out the money deposited for the uses of the State hospital, upon  
 30 the voucher of the steward; where a person has been designated as treasurer, as  
 31 provided in this chapter, such voucher shall be countersigned by the superin-  
 32 tendent.

33 6. Keep full and accurate accounts of all receipts and payments, in the  
 34 manner and according to books and forms prescribed and furnished by the com-  
 35 mission.

36 7. Balance all accounts on his books, annually, for the year ending on the  
 37 last day of September, and make a statement thereof and an abstract of the re-  
 38 ceipts and payments of the past year and deliver the same, within thirty days, to  
 39 the commission.

40 8. Render an account of the state of the books and the funds and other  
 41 property in his custody, whenever required by the commission.

42 9. Execute a release and satisfaction of a mortgage, judgment or other lien  
 43 or debt in favor of the hospital, when paid.

44 10. Receive all moneys for or on account of the sale of lands of the hos-  
 45 pital of which he is treasurer.

Sec. 27. *Monthly Statements of Receipts and Expenditures; Vouchers.*—

2 The superintendent as treasurer of each State hospital, or such other officer as  
 3 may be designated as treasurer by the commission, as provided in this chapter,  
 4 shall, on or before the fifteenth day of each month, make to the State Auditor  
 5 and to the commission a full and perfect statement of all the receipts and ex-  
 6 penditures, specifying the several items, for the last preceding calendar month.

7 Such statement shall be verified by the affidavit of the treasurer attached there-  
8 to, in the following form:

9 I, ....., treasurer of the ..... State  
10 hospital, do solemnly aver that I have deposited in the bank designated by law  
11 for such purpose, all the moneys received by me on account of the hospital dur-  
12 ing the last month, and I do further swear that the foregoing is a true abstract  
13 of all the moneys received and payments made by me or under my direction as  
14 such treasurer during the month ending the ..... day of  
15 ..... 190....

16 There shall also be forwarded to the commission the affidavit of the stew-  
17 ard, to the effect that all goods and other articles for which vouchers are ren-  
18 dered were purchased and received by him, or under his direction, at the hos-  
19 pital; that the goods were purchased at a fair cash market price and paid for in  
20 cash, or on credit, not exceeding sixty days, and that he, or any person in his  
21 behalf, had no pecuniary or other interest in the articles purchased; that he  
22 received no pecuniary or other benefit therefrom in the way of commission, per-  
23 centage, deductions or presents, or in any other manner whatever, directly or  
24 indirectly; that the articles for which vouchers are rendered were received at the  
25 hospital; that they were conformed in all respects to the invoiced goods received  
26 and ordered by him, both in quality and quantity. Such vouchers shall be exam-  
27 ined by the commission and compared with the estimates made for the month  
28 for which the statement is rendered, and if found correct shall be endorsed and  
29 forwarded by the commission, with the statement to the State Auditor. If any  
30 voucher is found objectionable, the State Auditor shall endorse his disapproval  
31 thereon, with the reason therefor, and return it to the commission, who shall  
32 present it to the superintendent for correction, and when corrected return it to



33 the State Auditor. All such vouchers shall be filed in the office of the State  
34 Auditor.

Sec. 28. *Action to Recover Moneys Due the Hospital.*—The superintendent  
2 of any State hospital may bring an action in the name of the hospital, to recover  
3 for the use thereof:

- 4 1. The amount due upon any note or bond in his hands belonging to the  
5 hospital.
- 6 2. The amount charged and due, according to the by-laws of the hospital,  
7 for the support of any patient therein, or for actual disbursements made in  
8 his behalf for necessary clothing and traveling expenses. And to enforce any  
9 liability created by statute for the care and support of the insane.
- 10 3. Upon any cause of action accruing to the hospital.

Sec. 29. *General Powers and Duties of the Steward.*—The steward, under  
2 the direction of the superintendent, and subject to the rules and regulations of  
3 the hospital, shall be accountable for the careful keeping and economical use  
4 of all furniture, stores, and other articles provided for the hospital, and under  
5 the direction of the superintendent, and subject to such rules and regulations  
6 shall:

- 7 1. Make all purchases for the hospital, except as otherwise provided in  
8 this chapter, and preserve the original bills and receipts thereof, and keep full  
9 and accurate accounts of the same.
- 10 2. Prepare and keep the pay-rolls of the hospital.
- 11 3. Keep the accounts for the support of patients and expenses incurred in  
12 their behalf, and furnish the treasurer statements thereof as they fall due.
- 13 4. Notify the treasurer of the death or discharge of any reimbursing or  
14 pay patient, within five days after such death or discharge.

Sec. 30. *Purchases and Contracts.*—All purchases of supplies for the use of the hospital shall be made for cash or on credit or time, not exceeding sixty days; every voucher shall be duly filled up, and with every abstract of voucher paid, there shall be proof on oath that the voucher was properly filled up and the money paid. No expenditure for supplies or other purposes shall be made for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this Act in relation to estimates. No member of the commission, manager or officer of a hospital shall be interested, directly or indirectly, in the furnishing of material, labor or supplies for the use of the hospital, nor shall any such manager or officer act as attorney or counsel for such hospital. Contracts subject to the approval of the commission shall be entered into jointly by the stewards of the State hospitals, for such staple articles of supplies, as may be found feasible by the commission to purchase for the use of the hospitals. Such contracts shall not be let except in conformity with the provisions of this Act relating to estimates. The State hospitals may manufacture such supplies and materials to be used in any of such hospitals as can be economically made therein. All goods for the use of the hospitals shall be bought, as far as practicable, of manufacturers and their immediate agents. All contracts, if let, shall, subject to the provisions of this Act relating to estimates, be awarded to the lowest responsible bidders. A member of the commission or an officer, manager or employe of a State hospital shall not receive a gift or reward for himself or the hospital from any person, firm or corporation dealing in goods, or supplies suitable or necessary for the use of the hospital. All purchases and contracts made and executed in pursuance of law, prior to October first, nineteen hundred and nine, shall thereafter be given full force and effect, notwithstanding the change in management of the State hospitals.

Sec. 31. *Official Oath.*—Each superintendent and steward of a hospital, before entering upon his duties as such, shall take the constitutional oath of office and file the same in the office of the Secretary of State.

Sec. 32. *Actions Against Commissioners of Control, Managers or Officers of State Hospitals.*—No civil action shall be brought in any court against the Commission or a commissioner of control, or an officer or manager of a State hospital, for alleged damages because of any act done or failure to perform any act, while discharging their official duties, without leave of a judge of the circuit court first had and obtained. Any just claim for damages against such commission or commissioner, officer, manager, or employe, for which the State would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane.

Sec. 33. The Commissioners of Control are hereby vested with authority to fix and determine, by all proper rules and regulations, upon the sums and amounts to be charged for the care and maintenance of insane patients (other than poor and indigent patients); but such sums and charges are to be equal and like sums in all cases of adult patients, and are to be made and charged monthly, and in no case are to be in excess of the per capita charge or amount required to actually maintain and keep the patient in the hospital for the insane, to which the respective patients may be committed (exclusive of cost of buildings, physicians' care and attendance and officers' salaries); and upon such sums and amounts having been fixed by said commissioners, by proper rules and regulations in the respective hospitals for the insane, the same and the amount so fixed and determined by the said rules and regulations shall become a charge against the estate and property of such inmate (insane person) and the persons liable under the law of this State for their charge and support, the same to be recovered in an action at law by the proper officers of the respective institutions, in the corporate

16 name of the institution; and the said Commission of Control, by such rules and  
 17 regulations as it may determine, may apportion such cost and maintenance to the  
 18 State and to the patient as aforesaid, to his estate and those liable for his sup-  
 19 port; but in no case shall any person be denied admission to a State hospital for  
 20 the insane or be removed therefrom on account of his or her being a poor or an  
 21 indigent person, or by reason of the failure of any person to comply with any of  
 22 the rules and regulations so prescribed by the said Commission of Control. The  
 23 cost and charges for the care and maintenance of poor and indigent patients in  
 24 said hospitals for the insane shall be governed by the laws of this State hereto-  
 25 fore in force and hereafter to be passed.

Sec. 34. *Private Institutions for the Insane.*—No person, association or cor-  
 2 poration shall establish or keep an institution for the care, custody or treatment  
 3 of the insane, for compensation or hire, without first obtaining a license therefor  
 4 from the commission. Every application for such license shall be accompanied  
 5 by a plan of the premises proposed to be occupied, describing the capacities of the  
 6 buildings for the uses intended, the extent and location of ground appurtenant  
 7 thereto, and the number of patients proposed to be received therein, with such  
 8 other information, and in such form as the commission may require. The com-  
 9 mission shall not grant any such license without first having made an examina-  
 10 tion of the premises proposed to be licensed, and being satisfied that they are  
 11 substantially as described, and are otherwise fit and suitable for the purposes  
 12 for which they are designed to be used, and that such license should be granted.  
 13 The commission may, at any and all times, examine and ascertain how far a  
 14 licensed institution is conducted in compliance with the license therefor, and  
 15 after due notice to the institution and opportunity for it to be heard, the com-  
 16 mission having made a record of the proceeding upon such hearing, may, if the  
 17 interests of the inmates of the institution so demand, for just and reasonable  
 18 cause then appearing and to be stated in its order, amend or revoke any such



19 license by an order to take effect within such time after the service thereof upon  
 20 the licensee, as the commission shall determine.

Sec. 35. *Recommendations of Commission.*—The authorities of each institu-  
 2 tion for the insane shall place on file in the office of the institution, the recom-  
 3 mendations made by the commissioners as a result of their visits, for the purpose  
 4 of consultation by such authorities, and for reference by the commissioners  
 5 upon their visits.

Sec. 36. *Acquisition of Property for Use of State Hospitals by Condemna-  
 2 tion and Otherwise.*—The State Commission of Control may acquire, under the  
 3 condemnation law, such real estate, right or interest therein as may be necessary  
 4 for the construction, maintenance and accommodation of a State hospital, if  
 5 unable to agree with the owner thereof for its purchase. The proceedings for  
 6 the purpose of acquiring such real estate, right or interest therein, shall be in-  
 7 stituted and maintained in the name of the People of the State of Illinois, by  
 8 the Attorney General or by such counsel as the Governor or Attorney General  
 9 may designate for that purpose, upon the certificate of such commission as to  
 10 the necessity of acquiring such real estate, right or interest therein, approved  
 11 and endorsed by the Governor. The commission may acquire and hold in the  
 12 name of and for the People of the State of Illinois, by grant, gift, devise or be-  
 13 quest, property to be applied to the maintenance of insane persons in and for  
 14 the general use of a hospital.

Sec. 37. *Erection, Alteration, Repairs and Improvements of State Hospital  
 2 Buildings.*—All plans and specifications for the erection, alteration, repairs and  
 3 improvements of State hospital buildings shall be prepared by the State Archi-  
 4 tect, but the supervising engineer of the State Commission of Control may,  
 5 when directed by the commission, prepare plans and specifications for the in-  
 6 stallation, alteration, repairs and improvements of the mechanical appliances

7 and fixtures in the existing State hospitals, which, before adoption, shall be ap-  
8 proved by the State Architect. The State Commission of Control shall adopt or  
9 reject any such plans or specifications and no such work shall be begun until  
10 the plans and specifications therefor have been adopted, but before the adoption  
11 thereof the commission shall submit the same to the board of managers of such  
12 hospital, and shall allow such board a period of not less than fifteen, and not  
13 more than sixty days, in which to submit a statement of their opinions and sug-  
14 gestions in regard thereto. Contracts for such erection, alteration, repairs  
15 and improvements may be let by the commission, subject to the approval of the  
16 Governor and State Auditor, for the whole or any part of the work to be per-  
17 formed, and in the discretion of the commission such contracts may be sublet.  
18 Special orders for such work in amounts less than one thousand dollars may  
19 be issued by the State architect upon authorization by the commission. The com-  
20 mission shall determine to what extent and for what length of time advertise-  
21 ments are to be inserted in newspapers for proposals for the erection, altera-  
22 tion, repairs or improvements of State hospital buildings. A preliminary de-  
23 posit, or certified check drawn upon some legally incorporated bank in this State  
24 shall in all cases be required as an evidence of good faith upon all proposals for  
25 buildings, alterations, repairs or improvements, to be deposited with the treas-  
26 urer of the hospital for which the work is to be performed, in an amount to be  
27 determined by the State Architect, but work done by special orders in an amount  
28 less than one thousand dollars need have no such deposit or check, provided  
29 payment is to be made only after the work is completed and approved. All  
30 contracts in an amount greater than one thousand dollars shall have the per-  
31 formance thereof secured by a sufficient bond or bonds to be approved by and  
32 filed with the commission. The work or erection, alteration, repairs or improve-  
33 ments of any building or plant may be done by the employment of inmate or out-  
34 side labor, either or both, and by the purchase of materials in the open market

whenever in the opinion of the commission and State Architect such course shall be more advantageous to the State, but no compensation shall be allowed for the employment of inmate labor. Where money is appropriated for any specific purpose other than maintenance and the work, materials, furniture, apparatus or other supplies are not to be performed or purchased pursuant to contract or special order duly made therefor, such money shall be expended pursuant to special fund estimates made to the commission by the superintendent of the hospital for which such appropriation is made. The law governing the revision of estimates of the expense required for the State hospitals for the insane shall apply to such estimates, and when such work is to be performed in accordance with the plans and specifications prepared by the State Architect or is to be paid for from appropriations for the erection, alteration, repairs or improvements of building or plant, such estimates shall also be subject to his approval. Except as above specified, all such work shall be done by contract or special order. The form of the contract or special order shall be prescribed by the State Architect. All payments on contracts or special orders shall be made on the certificate of the State Architect, approved by the commission, as the work progresses or the purchase of material is made, and upon bills duly certified. No item of an appropriation made for the performance of such work shall be available except for advertising, unless one or more contracts, special orders or special fund estimates shall first have been made for the completion of such work within the appropriation therefor. All contracts for the erection, alteration, repairs or improvements of hospitals shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the State beyond the moneys available for the purpose. If any appropriation be made for the erection, alteration, repairs or improvements of buildings or plant in an appropriation act specifying two or more objects for which the appropriation is made and any one of such objects shall have been



63 accomplished for a sum less than the amount specified in the act, the unexpended  
 64 balance shall be applicable to the completion of any other work specified in the  
 65 act, provided that after due advertisement no bids shall have been received with-  
 66 in the amount specifically appropriated therefor.

Sec. 38. *Streets and Railroads Through Hospital Lands.*—No public street  
 2 or road for railroad or other purposes shall be opened through the lands of a  
 3 State hospital, unless the Legislature by special law consents thereto.

Sec. 39. The commission may appoint agents, whose duty it shall be to se-  
 2 cure from relatives and friends who are liable therefor, or who may be willing to  
 3 assume the cost of support of any of the inmates of State hospitals as are being  
 4 supported by the State, re-imbursement in whole or in part of the money so ex-  
 5 pended. The compensation of each agent shall not exceed five dollars a day, and  
 6 the necessary traveling and other incidental expenses incurred by him, to be ap-  
 7 proved by the State Auditor. The commission may fix a rate to be paid for the  
 8 support of the inmates of State hospitals by relatives liable for such support or  
 9 by those not liable for such support but willing to assume the cost thereof; but  
 10 such rate shall be sufficient to cover a proper proportion of the cost of mainte-  
 11 nance per capita (exclusive of cost of buildings, physicians' care and attendance  
 12 and officers' salaries). The maintenance of any inmate of a State hospital, com-  
 13 mitted thereto upon a court order arising out of any criminal action or proceed-  
 14 ing, shall be paid by the county from which such inmate was committed.

Sec. 40. *Liability for the Care and Support of the Insane Other Than the*  
 2 *Poor and Indigent.*—The father, grandfather, mother, grandmother, children,  
 3 grandchildren, brothers or sisters of an insane person, if of sufficient ability, and  
 4 the conservator of his person and estate, if his estate is sufficient for the pur-  
 5 pose, shall cause him to be properly and suitably cared for and maintained.



6       The costs and charges of the commitment and transfer of such insane person  
 7   to a State hospital shall be paid by the conservator, or the father, grandfather,  
 8   mother, grandmother, children, grandchildren, brothers or sisters of such person,  
 9   to be recovered in an action brought in the name of the People by the commis-  
 10   sion, the hospital for the insane, by its corporate name, the county, or the over-  
 11   seer of the poor of the town where such insane person may be, but there shall be  
 12   but one recovery for any sum due. In all claims of the State upon relatives liable  
 13   for the support of a patient or upon moneys or property held by said patient, the  
 14   State shall be deemed a preferred creditor.

      Sec. 41. *Entries in Case Book.*—Every superintendent or other person in  
 2   charge of an institution for the care and treatment of the insane shall, within  
 3   three days after the reception of a patient, make, or cause to be made, a descrip-  
 4   tive entry of such case in a book exclusively set apart for that purpose. He  
 5   shall also make or cause to be made entries, from time to time, of the mental state,  
 6   bodily condition and medical treatment of such patient during the time such  
 7   patient remains under his care, and in the event of the discharge or death of  
 8   such person, he shall state in such book the circumstances thereof, and make  
 9   such other entries at such intervals of time and in such form as may be required  
 10   by the commission.

      Sec. 42. *Transfer of Patients When Hospital is Overcrowded.*—When the  
 2   building of any State hospital shall become overcrowded with patients, or the  
 3   number of buildings shall be reduced by fire or other casualties or for other  
 4   cause, the commission may, in its discretion, cause the transfer of patients  
 5   therefrom, or direct that patients required to be sent thereto, be transferred to  
 6   another State hospital, where they can be conveniently received, or make, in  
 7   special emergencies, temporary provision for their care, preference to be given

8 in such transfers to a hospital in an adjoining rather than in a remote district.  
 9 The expenses of such transfer shall be chargeable to the State, and the bills for  
 10 the same, when approved by the commission, shall be paid by the treasurer of  
 11 the State, on the warrant of the State Auditor, out of any moneys provided for  
 12 the support of the insane.

Sec. 43. *Investigation Into the Care and Treatment of the Insane.*—When  
 2 the commission has reason to believe that any person adjudged insane is wrong-  
 3 fully deprived of his liberty, or is cruelly, negligently or improperly treated, or  
 4 inadequate provision is made for his skilfull medical care, proper supervision  
 5 and safe keeping, it may ascertain the facts, or may order an investigation of  
 6 the facts by one of its members. It, or the commissioner conducting the pro-  
 7 ceeding, may issue compulsory process for the attendance of witnesses and the  
 8 production of papers, and exercise the powers conferred upon a master in chan-  
 9 cery in the circuit court. If the commission deem it proper, it may issue an  
 10 order, directed to any or all institutions, directing and providing for such  
 11 remedy or treatment, or both, as shall be therein specified. If such order be  
 12 just and reasonable, and be approved by three circuit judges sitting *en banc*, who  
 13 may require a notice to be given of the application for such approval, it shall  
 14 be binding upon any and all institutions and persons to which it is directed.  
 15 and any wilful disobedience of such order shall be a criminal contempt and pun-  
 16 ishable as such. Whenever the commission shall undertake an investigation into  
 17 the general management and administration of any institution for the insane, it  
 18 may give notice to the Attorney General of any such investigation, and the  
 19 Attorney General shall appear personally or by deputy and examine witnesses  
 20 who may be in attendance. The commission, or any member thereof, may at any  
 21 time visit and examine the inmates of any county or city almshouse, to ascer-  
 22 tain if insane persons are kept therein.

Sec 44. *Habeas Corpus*.—Any one in custody as an insane person is entitled

to a writ of habeas corpus upon a proper application made by him or some friend in his behalf. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in the case book, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any proper person, shall be sworn, touching the mental condition of such person.

Sec. 45. *Discharge of Patients*.—The superintendent of a State hospital, on

filing his written certificate with the commission, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense at any time, as follows:

1. A patient who, in his judgment, is recovered.

1a. A person who, in his opinion, is not insane, including dotards.

2. Any patient who is not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient: *Provided, however*, That before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge.

The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission.

A poor and indigent patient discharged by the superintendent because he is an idiot, or a dotard, not insane, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this chapter, shall be received and cared for, by the superintendent of the poor or other authority having similar power, in the county from which he was committed. A patient held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding

arising from a criminal offense, may be discharged upon the superintendent's certificate of recovery, approved by any such court or judge.

Sec. 46. *Clothing and Money to be Furnished Discharged Patients.*—No patient shall be discharged from a State hospital without suitable clothing adapted to the season in which he is discharged; and if it can not be otherwise obtained, the steward shall, upon the order of the superintendent, furnish the same, and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

Sec. 47. *Transfer of Non-Resident Patients.*—If an order be issued by any judge, committing to a State hospital a poor or indigent person, who has not acquired a legal settlement in this State, the Commission of Control shall return such insane person, either before or after his admission to a State hospital, to the country or State to which he belongs, and for such purposes may expend so much of the money appropriated for the care of the insane as may be necessary, subject to the audit of the State Auditor.

Sec. 48. *Sale of Unclaimed Personal Property of Discharged or Deceased Patients.*—All articles of personal property belonging to a discharged or deceased patient of a State hospital for the insane and in the custody of the superintendent or other proper officer of such hospital, may, if unclaimed by such discharged patient, or the legal representatives of such deceased patient, for a period of six months after the discharge or decease of such patient, be sold at public auction in such manner and after such notice or advertisement as the commission shall prescribe, and the proceeds of such sale shall be paid into the amusement fund of such hospital.

Sec. 49. *The Illinois Asylum for Insane Criminals.* as constituted and established under an Act entitled "An Act to provide for the location, erection,



organization and management of an asylum for insane criminals, and making an appropriation for the construction of necessary buildings," approved June 1, 1889, in force July 1, 1889, is hereby declared to be under the jurisdiction of said Commission of Control, when established, and the same is to be controlled and managed by the provisions of this Act, the Commission of Control, a board of managers, consisting of seven members as herein provided, and subject to all the provisions of this Act, in the management and purchase of supplies for the said institution and the making of reports; but nothing herein contained shall be construed to amend or repeal sections six, seven, eight, nine, ten and eleven of the Act in this section referred to and establishing the said Illinois Asylum for Insane Criminals.

Sec. 50. The cost of the care and maintenance of persons so committed to the said Illinois Asylum for Insane Criminals shall be defrayed in the manner now provided for by law, out of the treasury of the State of Illinois; but in the superintendence of the said institution and the expenditure of said moneys, the same shall be fully under the management and control of the Commission of Control and a board of managers, as provided for in this Act.

## ARTICLE 2.

### STATE INSTITUTIONS.

Sec. 51. The Illinois Asylum for Feeble-Minded Children, at Lincoln, in the county of Logan, as established under the laws of 1865, and as amended; the Soldiers' and Sailors' Home, at Quincy, in the county of Adams, as established under the laws of 1885, and as amended; the Illinois Industrial Home for the Blind, at Chicago, in the county of Cook, as established under the laws of 1887, and as amended; the Illinois Charitable Eye and Ear Infirmary, at Chicago, in

7 the county of Cook, as established under the laws of 1865, and as amended;  
 8 the Soldiers' Widows' Home of Illinois, at Wilmington, in the county of Will,  
 9 as established under the laws of 1895, and as amended; the St. Charles School for  
 10 Boys, at St. Charles, in the county of Kane, as established by an Act passed and  
 11 approved May 10, 1901, in force July 1, 1901; the State Home for Juvenile Fe-  
 12 male Offenders, at Geneva, in the county of Kane, as established by an Act  
 13 approved June 22, 1893, in force July 1, 1893; the Illinois Soldiers' Orphans'  
 14 Home, at Normal, in the county of McLean, as established under the laws of  
 15 1865, are, and each of them is, hereby continued as State institutions, for the  
 16 purposes for which they were established and under the various Acts by which  
 17 they were established. Except as herein in this Act amended and changed, the  
 18 said institutions and each of them are hereby declared to be under the jurisdic-  
 19 tion and control, and subject to the supervision, of said commissioners of con-  
 20 trol, who shall exercise all of the power and authority hereinbefore granted to  
 21 said Commission of Control over State institutions, in so far as the same may  
 22 be applicable to said institutions; and all provisions and supplies necessary to  
 23 be purchased and provided for in said institutions, shall be purchased and  
 24 provided for under the authority of the general purchasing department of the  
 25 State, hereafter to be provided by said Commission of Control, under the pro-  
 26 visions of this Act; and each of said institutions shall have a steward; and  
 27 the method of furnishing, providing, acquiring and reporting as to supplies and  
 28 necessities of each of said institutions shall be the same, as near as may be, as  
 29 the provisions hereinbefore provided and enacted for the regulation and man-  
 30 agement of the hospitals for the insane.

Sec. 52. Each of said State institutions, the Illinois Asylum for Feeble-  
 2 Minded Children, at Lincoln; the Soldiers' and Sailors' Home, at Quincy; the  
 3 Illinois Industrial Home for the Blind, at Chicago; the Illinois Charitable Eye

4 and Ear Infirmary, at Chicago; the Soldiers' Widows' Home of Illinois, at Wil-  
 5 mington; the St. Charles School for Boys, at St. Charles; the State Home for  
 6 Juvenile Female Offenders, at Geneva; and the Illinois Soldiers' Orphans' Home,  
 7 at Normal, as provided for in section 51 of this Act, shall be under the control  
 8 and management of a board of managers, subject to the statutory powers of the  
 9 commission. On or after the first of October, nineteen hundred and nine, the  
 10 Governor shall appoint a board, consisting of seven members, not more than  
 11 four of whom shall belong to or be affiliated with the same political party. He  
 12 shall so arrange their terms of office of one, two, three, four, five, six and seven  
 13 years, that a term shall expire on the thirtieth day of September in each year,  
 14 beginning with the year nineteen hundred and ten. After the expiration of  
 15 such terms, managers shall be appointed for terms of seven years. If a vacancy  
 16 occurs, otherwise than by expiration of term, the appointment of the manager to  
 17 fill such vacancy shall be for the unexpired term of the manager whose office  
 18 became vacant.

Sec. 53. *Appointment and Removal of Managers.*—The members of the  
 2 boards of managers provided for in Section 52 of this Act shall be appointed by  
 3 the Governor, by and with the advice and consent of the senate, as often as a va-  
 4 cancy shall occur by expiration of term or otherwise, and they may severally  
 5 continue in office until their successors are appointed and have qualified, and  
 6 they shall be subject to removal by the Governor, after having been notified in  
 7 writing of the reasons for the proposed removal and having been given an  
 8 opportunity to be heard. All managers shall be residents of the State of Illi-  
 9 nois. No person shall be eligible to the office of such manager who is either an  
 10 elective State officer or a member of the Legislature, and if any such manager  
 11 shall become a member of the Legislature or an elective State officer, his office  
 12 as such manager shall thereupon be vacant. If any such manager fails for a  
 13 period of six months to attend the regular meetings of the board of which he is



14 a member, the secretary of the board shall notify the Governor of such ab-  
 15 sence, with any explanation thereof which may be submitted by such manager,  
 16 and unless the Governor shall, within thirty days thereafter, notify the secre-  
 17 tary that he has excused such manager for such absence, the office of such man-  
 18 ager shall thereupon be deemed to be vacant; and if any manager fails for one  
 19 year to attend such regular meetings, his office shall become vacant. When any  
 20 such vacancy shall occur, the board, by resolution, shall so declare, and a certi-  
 21 fied copy of such resolution shall forthwith be transmitted by the board to the  
 22 commission and to the Governor. In the month of January of each year, the  
 23 secretary of the board of managers shall transmit to the Governor a statement  
 24 showing the record of attendance of each manager at meetings of the board, the  
 25 number and dates of visits to the hospital, with a statement of any other work  
 26 for the hospital performed by such manager, which said manager may request  
 27 to have transmitted to the Governor. The manager whose term is first to expire  
 28 shall act as president of the board of managers of each said institution.

Sec. 54. *General Powers and Duties of Boards of Managers.*—The powers  
 2 and duties conferred upon the board of managers of the hospitals for the in-  
 3 sane under section 19 of this Act, so far as the same may be applicable, shall be  
 4 and hereby are conferred upon the board of managers of the said institutions  
 5 provided for in section 52 of this Act.

Sec. 55. *Officers.*—The Commission of Control shall appoint, subject to the  
 2 approval of the board of managers of each of said institutions, as often as a  
 3 vacancy shall occur therein, a superintendent. Whenever a vacancy shall occur  
 4 in the office of superintendent of any of said institutions, the Commission of Con-  
 5 trol, with the approval of the board of managers of such institution, may trans-  
 6 fer to such position the superintendent of any other of said institutions, subject  
 7 to the consent of the board of managers of such other institution. Each super-



8 intendent shall be the treasurer of the said institution for which he is appointed,  
9 unless the commission shall designate a person to act as treasurer, as in this Act  
10 provided; and before entering upon his duties as such treasurer, shall file with  
11 the State Auditor his undertaking to the people, in an amount and with sureties  
12 to be approved by the State Auditor. to the effect that he will faithfully perform  
13 his trust as such treasurer. The superintendent may be removed by a vote of a  
14 majority of the board of managers, for cause stated in writing, and after an op-  
15 portunity has been given him to be heard thereon, and such action, when ap-  
16 proved by the commission, shall be final. Pending the investigation of any  
17 charges against a superintendent and the decision thereon, the board of managers  
18 may suspend such superintendent. The commission may prefer charges of mis-  
19 conduct or incompetency against any superintendent to the board of managers of  
20 the hospital of which he is superintendent, and the board shall thereupon inves-  
21 tigate the truth of such charges. On the first day of October, nineteen hundred  
22 and nine, the office of treasurer in each of the said State institutions shall be  
23 abolished and their powers and duties may be conferred upon the superintend-  
24 ent, or the commission may designate a person in its office to act as treasurer for  
25 all the said institutions, who shall have the powers and perform the duties of  
26 treasurer as to such institution as prescribed in this Act, and shall perform such  
27 other duties as the commission impose. The person so designated, before enter-  
28 ing upon the performance of his duties as such treasurer, shall file with the State  
29 Auditor his undertaking, in an amount and with sureties to be approved by him,  
30 to the effect that he will faithfully perform his trust as such treasurer. A super-  
31 intendent in office on the first day of October, nineteen hundred and nine, shall  
32 be continued in office until removed pursuant to law, notwithstanding the change  
33 hereby made in the manner of his appointment.

Sec. 56. The superintendent of each of said institutions shall be its chief  
 2 executive officer, and in his absence or sickness, an assistant superintendent of  
 3 the said institutions, and who shall exercise the powers and be subject to the re-  
 4 sponsibilities of the superintendent, shall be provided for by the rules and regu-  
 5 lations of the said commission. Subject to the by-laws and regulations estab-  
 6 lished by the commission and the managers under the provisions of this Act, the  
 7 superintendent shall have general superintendence of the buildings, grounds  
 8 and farm, together with their furniture, fixtures and stock, and the direction  
 9 and control of all persons therein, and subject to such by-laws and regulations  
 10 as may be provided for by the said Commission of Control.

Sec. 57. All of the powers, duties and regulations provided for the purchas-  
 2 ing steward of the State hospital for the insane, under section 22 of this Act,  
 3 shall be extended to the said institutions provided for in section 51 of this Act;  
 4 and each of said institutions shall have a purchasing steward, with all of the  
 5 powers, duties and responsibilities of purchasing stewards as provided for here-  
 6 inbefore in this Act, and be subject to all of the rules and regulations and pro-  
 7 visions herein enacted and hereafter to be provided for in a purchasing depart-  
 8 ment for all of the institutions and hospitals under the control of the said Com-  
 9 mission of Control.

Sec. 58. Nothing in this Act shall be construed to cover or extend to either  
 2 of the Illinois State penitentiaries, the Illinois Reform School at Pontiac, or any  
 3 of the educational institutions in this State, including the School for Deaf and  
 4 for the Education of the Blind, at Jacksonville, in the State of Illinois.

Sec. 59. Nothing in this Act shall be construed to amend, revise or repeal  
 2 any of the provisions of the Acts establishing the institutions set out and de-  
 3 scribed in section 51 of this Act, except as herein specially provided; and to  
 4 the end that the spirit and intent of this Act shall be fully carried out as to the

5 said Illinois Asylum for Feeble-Minded, at Lincoln; the Illinois Industrial Home  
6 for the Blind, at the city of Chicago; the Soldiers' and Sailors' Home, at Quincy;  
7 the Illinois Charitable Eye and Ear Infirmary, at Chicago; the Soldiers' Widows'  
8 Home of Illinois, at Wilmington; the St. Charles School for Boys, at St. Charles;  
9 the State Home for Juvenile Offenders, at Geneva; and the Illinois Soldiers'  
10 Orphans' Home, at Normal, under the provisions and terms of this Act, said  
11 institutions, as to all matters and regulations not herein provided for, shall be  
12 subject to the jurisdiction and control of the specific Acts under which the said  
13 institutions were respectively established.

Sec. 60. All Acts and parts of Acts in conflict with this Act are hereby re-  
2 pealed.





- 1   Reported from Senate, April 29, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act making appropriations for the payment of employes of the Forty-

sixth General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That there be and is hereby appropriated the sum

3 of \$30,000, or so much thereof as may be necessary, to pay the employes of

4 the Forty-sixth General Assembly at the rate of compensation allowed by law.

5 Said employes to be paid upon pay rolls certified to by the presiding officers

6 of the respective houses, or by the Secretary of State.

Sec. 2. WHEREAS, The above appropriation is necessary for the transac-

2 tion of the business of the State, therefore, an emergency exists, and this Act

3 shall take effect from and after its passage.



- 1 Reported from Senate, May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 12 of "An Act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved June 11, 1897, in force July 1, 1897, as amended and in force May 13, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 12 of an Act entitled, "An Act concerning circuit courts, and to fix the time of holding the same in the several counties of the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved June 11, 1897, in force July 1, 1897, as amended and in force May 13, 1903, be amended so as to read as follows:

Sec. 12. *Eleventh Circuit*—In the county of McLean, on the second Monday of September, the first Monday of November, the first Monday of February and the fourth Monday of April; in the county of Livingston, on the

10 first Tuesday of January, the first Tuesday of May and the first Tuesday of  
11 October; in the county of Logan, on the third Monday of January, the third  
12 Monday of May and the third Monday of September; in the county of Ford,  
13 on the first Tuesday of April, the second Tuesday of August and the first  
14 Tuesday of December; in the county of Woodford, on the second Monday of  
15 March, the first Monday of September and the first Monday of December.



- 1 Reported from Senate May 27, 1909.
- 2 Read by title, ordered printed and to a first reading.

## A BILL

For an Act to create a bureau of labor statistics and statistical details of manufacturing industries and commerce of the State, and to provide for a board of commissioners and secretary, and repealing certain Acts therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That it shall be the duty of the Governor, with  
3 the advice of the Senate, to appoint a board of commissioners of labor, to  
4 consist of five members, who shall hold office for two years, three of whom  
5 shall be manual laborers, the remaining members of the commission shall be  
6 manufacturers or employers of labor in some productive industry, and they  
7 shall meet annually on the first Monday in September, at the State Capitol,  
8 when they shall organize by electing a president from themselves and appoint-  
9 ing a secretary, who shall hold office for a term of two years or until his  
10 successor is appointed; the said secretary to have no voice in the deliberations  
11 of said board nor to be selected from the said commissioners.

Sec. 2. The duties of such board shall be to collect, assort, systemize and  
2 present in biennial report to the General Assembly statistical details relating  
3 to all departments of labor in the State, especially in its relation to the com-  
4 mercial, industrial, social, educational and sanitary conditions of the laboring  
5 classes and to the permanent prosperity of the mechanical, manufacturing and  
6 productive industries of the State; and also statistical details of the manufac-  
7 turing industries and commerce of the State, setting forth such details as the  
8 local character of the industry, capital, total output, number of people em-  
9 ployed and such other details as will give a total presentation of the indus-  
10 trial and commercial condition and progress of the State: *Provided*, that in  
11 no case shall the statistics thus published be so arranged as to reveal the  
12 affairs of any single industrial or commercial concern.

13 It shall be the duty of every employer of labor in this State to afford  
14 to the State Commissioners of Labor, or their representatives, every facility  
15 for procuring statistics of the wages and conditions of their employes for the  
16 purpose of compiling and publishing statistics of labor and of social and in-  
17 dustrial conditions and statistical details of manufacturing industries and com-  
18 merce within the State as required by law. Any person who shall hinder or  
19 obstruct the investigations of the agents of the commissioners or shall neg-  
20 lect or refuse, for a period of ten days, to furnish the information called for  
21 by the schedules of the commissioners as provided above, shall be adjudged  
22 guilty of a misdemeanor and be subjected to a fine of one hundred (\$100)  
23 dollars.

Sec. 3. The compensation of said commissioners shall be five dollars per  
2 day for thirty (30) days of each annual session, and the compensation of said  
3 secretary shall be twenty-five hundred dollars (\$2,500) per annum. The  
4 amount accruing to said commissioners to be paid to them at the expiration

5 of their said annual session of thirty days, and the Auditor of Public Ac-  
6 counts being hereby authorized to issue his warrant on the treasury in their  
7 favor for the amount specified in this section, and the secretary shall be paid  
8 quarterly in the same manner. The Auditor is further directed and author-  
9 ized to draw his warrant for the actual traveling, incidental and office ex-  
10 penses of said commissioners and their secretary, on their vouchers sworn to  
11 by them and approved by the president of the board and the Governor.

•  
Sec. 4. All Acts or parts of Acts inconsistent herewith are hereby re-  
2 pealed.





- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 26 of an Act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 26 of an Act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be amended to read as follows:

Sec. 26. It shall be the duty of the county board of each county:

2 *First*—To erect or otherwise provide when necessary, and the finances of  
3 the county will justify it, and keep in repair, a suitable court house, jail and  
4 other necessary county buildings, and to provide proper rooms and offices for  
5 the accommodation of the several courts of record of the county, and for the  
6 county board, county clerks, county treasurer, recorder, sheriff, and the clerks  
7 of said courts, and to provide suitable furniture therefor. But in counties not

8 under township organization, no appropriations shall be made for the erection  
 9 of public buildings, without first submitting the proposition to a vote of the  
 10 people of the county, and said vote shall be submitted in the same manner and  
 11 under the same restrictions as provided for in like cases in section 27 of this  
 12 Act; and the votes therefor shall be "For taxation," specifying the object,  
 13 and those against shall be "Against taxation," specifying the object.

14 *Second*—To provide and keep in repair, when the finances of the county  
 15 permit, suitable fire-proof safes or offices for the county clerk, county treasurer,  
 16 recorder, sheriff and clerks of said courts.

17 *Third*—To provide suitable books, stationery, *printing* and *postage* for the  
 18 use of the county board, county clerk, county treasurer, recorder, sheriff, cor-  
 19 ner, *State's attorney, superintendent of schools, surveyor, judges and clerks of*  
 20 *courts of record.*

21 *Fourth*—To cause to be published at the close of each annual, regular or  
 22 special meeting of the board, a brief statement of the proceedings thereof in  
 23 one or more newspapers published in the county, in which shall be set forth  
 24 the name of every individual who shall have had any account audited and allowed  
 25 by said board and the amount of said claim as allowed, and the amount  
 26 claimed, and also their proceedings upon the equalization of the assessment  
 27 roll: *Provided*, that no publication in a newspaper shall be required unless the  
 28 same can be done without unreasonable expense.

29 *Fifth*—To make out at its meeting in September, annually, a full and accur-  
 30 ate statement of the receipts and expenditures of the preceding year, which  
 31 statement shall contain a full and correct description of each item, from  
 32 whom and on what account received, to whom paid, and on what account ex-  
 33 pended, together with an accurate statement of the finances of the county at  
 34 the end of the fiscal year, including all debts and liabilities of every description,  
 35 and the assets and other means to discharge the same; and within thirty days

36 thereafter to cause the same to be posted up at the court house door, and at  
37 two other places in the county, and published for one week in some newspaper  
38 therein, if there is one, and the same can be done without unreasonable ex-  
39 pense.





- 1 Reported from Senate May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend sections 3 and 4 of an Act entitled, "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905, in force July 1, 1905, as amended by Act approved May 25, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 3 and 4 of an Act entitled, "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905, in force July 1, 1905, as amended by an Act approved May 25, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

7      Sec. 3. It shall be the duty of the State Board of Public Charities to ap-  
8      point a State agent, who shall receive a salary of \$2,000 per annum, in addi-  
9      tion to his actual and necessary traveling expenses incurred in the perform-

10 ance of his official duties; and to appoint such number of visitors, not exceed-  
 11 ing four, and pay such compensation for such visitors as shall be approved  
 12 by the Governor, such compensation to be paid in addition to the actual and  
 13 necessary traveling expenses incurred by said visitors in the performance of  
 14 their official duties.

15 These visitors shall be discreet men and women, selected with special view  
 16 to their wisdom and fitness for visiting children, and shall be appointed by  
 17 civil service procedure, and shall be subject to the provisions of the State  
 18 civil service law.

19 The State Board of Charities is also hereby authorized and empowered  
 20 to appoint such other employes as are necessary to perform the clerical work  
 21 and other office work of the State agent and to pay such employes from the  
 22 incidental expense appropriations.

23 Sec. 4. It shall be the duty of the State agent to have general charge of the  
 24 work of visitation, under such rules as the State Board of Public Charities may  
 25 prescribe; *to inspect all home finding institutions, where dependent and de-*  
 26 *linquent children may be committed or kept (and pass upon the same for char-*  
 27 *ter and certificate); to assist the local authorities in gathering evidence in*  
 28 *cases of abuse of dependent and delinquent orphan children and in the prose-*  
 29 *cution of alleged offenders;* and it shall be the duty of the visitors provided  
 30 for in section 3 to visit children placed in homes, and said visitors shall act  
 31 under such rules as may be prescribed by the State Board of Public  
 32 Charities.

33 The State Board of Public Charities may, in its discretion, permit the  
 34 child to be visited by an agent of the association or institution by which the  
 35 child may have been placed in a home and may accept the report of such  
 36 agent: *Provided*, that such visit shall be made in accordance with the rules  
 37 established by said State Board of Public Charities, and shall have been re-

ported on blanks provided for in this Act: *And, provided, further,* that such  
permission shall not be given until the agent of said board shall have visited  
a sufficient number of the wards of such association or institution, to enable  
the said State board to ascertain the quality of this work done by such asso-  
ciation or institution. After a child shall have been legally adopted in ac-  
cordance with the laws of the State of Illinois, then said child shall no longer  
be subject to the visitation provided for in this Act.





1 Reported from Senate May 18, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the construction of a deep waterway, or canal, from the water power plant of the Sanitary District of Chicago, at or near Lockport, to a point in the Illinois river, at or near Utica, and for the development and utilization of the water power that may be created from the water flowing through said waterway, and to create a commission to carry out the provisions of this Act.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a deep waterway, or canal, be constructed by  
3 the State of Illinois from the water power plant of the Sanitary District of Chi-  
4 cago, at or near Lockport, in the township of Lockport, county of Will, to a  
5 point in the Illinois river at or near Utica, and that there shall also be erected  
6 equipped and maintained by the State of Illinois, power plants, locks, bridges,  
7 dams and appliances sufficient and suitable for the development and utiliza-

tion of the water power of said deep waterway, or canal, and that the cost of constructing, erecting and equipping the aforesaid public works shall be paid out of the proceeds of bonds of the State of Illinois to be issued and sold as hereinafter provided.

Sec. 2. The construction, management and operation of said deep waterway, or canal, power plant, locks, bridges, dams and appliances, shall be under the control of a board of five (5) commissioners to be known as the Board of Commissioners of the Illinois Deep Waterway; not more than three (3) of which said commissioners shall belong to or be affiliated with the same political party. The said commissioners shall be appointed by the Governor, by and with the consent of the Senate. Of the commissioners first appointed two (2) shall hold office until the 1st day of July in the year 1911, two (2) shall hold office until the 1st day of July in the year 1913, and one (1) shall hold office until the 1st day of July in the year 1915. The successors-in-office of the commissioners first appointed as aforesaid, shall also be appointed by the Governor, by and with the consent of the Senate, and each successor-in-office thus appointed shall hold office for a term of six (6) years from the date of the expiration of his predecessor's term of office; except that members who shall be appointed to fill vacancies occurring otherwise than by lapse of time shall hold office only for the unexpired term of the member in whose place the new member shall be appointed. The said board shall adopt an official seal and may authenticate all its official acts with the same. For all legal purposes the said commissioners shall be deemed officers of the State, and all business, contracts, writings and acts shall be made and suits prosecuted by them in the name of the Board of Commissioners of the Illinois Deep Waterway; but they shall not be considered a distinct corporation. Before entering upon the duties of his office each commissioner shall take and subscribe the following oath:

24 "I do solemnly swear (or affirm, as the case may be) that I will support  
25 the Constitution of the United States and the Constitution of the State of Illi-  
26 nois and that I will faithfully discharge the duties of the office of deep water-  
27 way commissioner according to the best of my ability."

28 He shall also give an official bond, payable to the People of the State of  
29 Illinois, in the sum of twenty-five thousand dollars (\$25,000) with at least two  
30 (2) sufficient sureties to be approved by the Governor, conditioned for the  
31 faithful discharge of his office and for a faithful accounting of all moneys en-  
32 trusted to him as such commissioner, whenever and as often as he shall be law-  
33 fully required. Such oath and bond shall be filed in the office of the Secretary of  
34 State.

Sec. 3. The said board shall elect one of its own members as chairman,  
2 and shall appoint a secretary, a treasurer, a chief engineer and an attorney,  
3 said attorney to be appointed with the approval of the Attorney Gen-  
4 eral and who shall be subject to the direction of the Attorney General,  
5 and such other officers, agents and assistants as said board may deem necessary.  
6 The chairman of the board shall be the presiding officer at all meetings of the  
7 board and shall hold his office for two years and until his successor is elected,  
8 and shall be the executive officer of said board and shall sign all official docu-  
9 ments, emanating from or authorized by said board. All officers elected by  
10 said board, except the chairman, shall hold their respective offices during the  
11 pleasure of the board; and said board shall prescribe the duties and fix the  
12 compensation of all the officers, agents and employes of said board.

13 Said board shall have power to pass all ordinances, rules and regulations  
14 which may, in the opinion of said board, be necessary for the proper manage-  
15 ment and conduct of its business and to accomplish the objects for which it  
16 is created. All business of said board shall be transacted at regular meetings  
17 of the board or at meetings held in accordance with its rules. The affirmative

18 vote of at least three (3) members of said board shall in all cases be neces-  
19 sary to transact business and to authorize the making of any contract or ap-  
20 propriation or expenditure of money.

Sec. 4. Each of the aforesaid commissioners shall receive a salary of five  
2 thousand dollars (\$5,000) per year, while that one of the said commissioners  
3 who shall be chosen as chairman of the board shall, in addition to his annual  
4 salary of five thousand dollars (\$5,000) as commissioner, receive the further  
5 sum of two thousand five hundred dollars (\$2,500) per year, making his salary  
6 seven thousand five hundred dollars (\$7,500) per year so long as he shall be  
7 the chairman of said board.

8 The attorney for said board shall receive a salary of not to exceed five  
9 thousand (\$5,000) dollars per year.

Sec. 5. The secretary shall be the custodian of the records of said board  
2 and shall enter upon permanent records the official minutes of all meetings of  
3 said board, in which shall be entered all the official acts of said board and a  
4 record of the votes of the several members of the board upon all ordinances  
5 or resolutions authorizing the making of contracts or the expenditure or ap-  
6 propriation of moneys.

7 The said board before entering into any contract for the construction of  
8 any part of said deep waterway, or canal, or any other of the said public works  
9 connected therewith, shall cause to be made plans and specifications for the  
10 said public works, together with reliable and carefully prepared estimates of  
11 the cost of constructing, completing and installing all of said public works, for  
12 the purpose of ascertaining whether the total cost of the construction, com-  
13 pletion and installation of said public works can with certainty be defrayed  
14 with the proceeds of the twenty million dollars (\$20,000,000) of said bonds  
15 authorized to be issued by the amendment to the Constitution of the State of



16 Illinois, adopted by the vote of the People in the year 1908. And if, upon the  
17 completion of said plans and specifications and the estimates based thereon,  
18 it becomes evident to the said board that the said sum of twenty million dol-  
19 lars (\$20,000,000) is not sufficient to defray the cost of the entire work, but is  
20 sufficient to build and construct the aforesaid waterway and all of the aforesaid  
21 public works except the locks, they shall proceed to build the same, and if there  
22 is shown to be money in excess of the cost of the works thus undertaken, then  
23 the money in excess of that cost shall be expended in building the locks or so  
24 many of them as can be paid for by the funds provided. The first lock to be  
25 constructed shall be the most northerly one of the series required for the  
26 waterway, and such additional locks as can be built with the money shall be  
27 constructed in consecutive order along the downward course of the said water-  
28 way or canal. And no changes shall thereafter be made in the said plans and  
29 specifications which, in the opinion of said board, would have the effect of in-  
30 creasing the aggregate cost to the State of said public works to an amount  
31 in excess of twenty million dollars (\$20,000,000), unless the State shall, by due  
32 process of law authorize additional expenditures.

33 Subject to the limitations above specified the said board is hereby author-  
34 ized, empowered and directed to do and to cause to be done all things necessary  
35 for the construction, erection, equipment and installation of the said deep  
36 waterway or canal, power plants, locks, bridges, dams and appliances.

37 The route adopted for said waterway or canal shall be through and along  
38 the Sanitary District Channel from the power plant at Lockport to Joliet,  
39 thence in, along or near the Desplaines and Illinois rivers to its terminus, a  
40 point in the Illinois river at or near Utica. Said deep waterway or canal shall  
41 have a depth of not less than twenty-four (24) feet from the power plant at  
42 Lockport to Brandon's Bridge, below Joliet, and a width of not less than three  
43 hundred (300) feet from the confluence of the Desplaines river with the pool

known as the Upper Basin, in Joliet, to Brandon's Bridge, below Joliet, and from that point to its terminus, at or near Utica, shall have a depth of not less than fourteen (14) feet and a bottom width of not less than two hundred (200) feet. All permanent structures appertaining to said waterway, or canal, shall be built with a view to an ultimate depth of 24 feet throughout the entire length of said waterway, or canal.

Sec. 6. The elevation of the water level within the confines of the city of Joliet shall not be higher than forty-two (42) feet below Chicago Datum, and to provide for the maintenance of said level, suitable waste gates and regulating devices shall be installed to insure an elevation of water not higher than aforesaid in times of extreme flood.

Sec. 7. Special provision shall be made where the channel passes through cities, towns and municipalities to adequately care for the drainage, sewerage and flood waters discharged from the drainage areas involved by constructing intersecting sewers and diverting watercourses to lower levels.

Sec. 8. Modern swing bridges of adequate size and suitable design, including all necessary piers, abutments, sub-structures, superstructures and approaches, shall be constructed across the full width of the channel, to replace present existing structures owned by municipalities, townships and counties. One-fourth of the cost of maintaining these bridges shall be borne by the municipality, township or county and three-fourths of such cost shall be borne by the State. All damages to property including the expense of constructing and paving approaches, retaining walls, and sidewalks, rendered necessary by the raising and lengthening of bridge spans as aforesaid, shall be adjudicated by the court of claims and be paid out of the funds under the control of the said board of commissioners. To provide the necessary facilities for crossing the proposed navigable channel with water mains, fire and police telegraph wires

13 and all public utilities, owned by municipalities, now using existing bridges,  
 14 there shall be constructed at such bridges adequate and suitable tunnels or con-  
 15 duits below the bed of the river channel for such purposes.

Sec. 9. When it shall be necessary, in the opinion of said board, for the  
 2 economical and successful construction, operation and maintenance of the said  
 3 deep waterway and other public works hereinbefore specified, to enter upon  
 4 and use any public property or property held for public use, said board shall  
 5 have the power to do so, and to enter upon, occupy, use, widen, deepen and  
 6 improve any waterway, canal, pool or lake, but the public use thereof shall  
 7 not be unnecessarily interfered with. The property which the said board is  
 8 authorized to enter upon and use under this section includes all property and  
 9 all interests in property which the State of Illinois has the lawful power to  
 10 appropriate to the uses of said waterway or other public works without mak-  
 11 ing compensation therefor.

Sec. 10. Whenever the said board shall pass an ordinance or resolution  
 2 for the construction of any part of the said deep waterway, or canal, or other  
 3 public work or adjunct thereto, the making of which will require that private  
 4 property should be taken or damaged, such board may cause compensation  
 5 therefor to be ascertained and paid and acquire possession thereof in the same  
 6 manner, as nearly as may be, as is provided for in an Act entitled, "An Act  
 7 to provide for the exercise of the right of eminent domain," approved April  
 8 10, 1872, and the amendments thereto: *Provided*, that the proceedings to  
 9 ascertain such compensation shall in all cases be instituted in the county where  
 10 the property sought to be taken or damaged is situated. The property which  
 11 the said board is authorized to acquire under this section shall include all prop-  
 12 erty and all interests in property which the State of Illinois has not the lawful



13 power to appropriate to the uses of said waterway and other public works  
14 without making compensation therefor.

Sec. 11. Subject to the limitations contained in this Act, the said board  
2 is hereby authorized to acquire by purchase all property, real and personal,  
3 which in the opinion of said board are necessary or desirable for the construc-  
4 tion, equipment and maintenance of the public works hereinbefore specified and  
5 committed to the care of said board, to appoint and employ all officers, assist-  
6 ants, agents and employes, to enter into all contracts and to do all other acts  
7 which, in the opinion of said board, may be necessary or desirable for the  
8 construction of said deep waterway and for the erection, equipment and main-  
9 tenance of said power plants, locks, bridges, dams and appliances and the neces-  
10 sary adjuncts thereto.

11 All contracts for work to be done and material required by said board  
12 under authority of this Act, the expense of which will exceed one thousand  
13 dollars (\$1,000) shall be let to the lowest responsible bidder therefor, upon not  
14 less than sixty (60) days' public notice, the terms and conditions upon which  
15 such contracts are to be let to be given by publication in a newspaper of gen-  
16 eral circulation in the State of Illinois and also in an engineering paper having  
17 general circulation in the United States. And said board shall have power and  
18 authority to reject any and all bids and re-advertise: *Provided, however,* that  
19 said board may cause any piece of work to be performed by the direct employ-  
20 ment of labor without the letting of a contract, which in the discretion of the  
21 board, evidenced by the affirmative vote of not less than four (4) of the Com-  
22 missioners can be most economically performed by that method. And all  
23 labor so employed shall be under the direction of the chief engineer and his  
24 properly authorized assistants: *And, provided, further,* that machinery may be  
25 purchased upon a like vote, without soliciting competitive bids.



26       The said board is hereby directed, in letting contracts for the construction  
 27 of the aforesaid public works, to require of all contractors, as a condition pre-  
 28 cedent to the acceptance of their bids, that they shall, according to a scale of  
 29 benefits to be fixed by said board, adequately insure all workmen employed by  
 30 them or by their sub-contractors against risk of injury or death suffered in the  
 31 course of their employment, the requirements thus imposed upon contractors  
 32 to be uniform, as nearly as may be, in all cases.

33       And in case the State shall undertake the construction of said public  
 34 works, or any part thereof, by the direct employment of labor, any employe  
 35 of the State injured in the course of his employment without wilful miscon-  
 36 duct on his part, or in case of his death in consequence of such injury, his de-  
 37 pendents, shall be relieved and compensated out of the funds under the control  
 38 of said board in accordance with such general regulations as it may establish  
 39 and is hereby directed to establish for that purpose.

Sec. 12.   The said board is hereby vested with all police powers necessary  
 2 to preserve the peace and protect property and preserve health within the ter-  
 3 ritory contiguous to said deep waterway, within a distance of two (2) miles  
 4 on either side thereof, but excluding therefrom all territory within which any  
 5 incorporated city, town or village is vested by law with the same police powers  
 6 which are hereby granted to said board. For the enforcement of said police  
 7 power, the said board is authorized to organize a police force, the members of  
 8 which shall have all the powers vested by law in constables. The said board  
 9 shall also have power to prescribe sanitary regulations for all camps, board-  
 10 ing houses, dwellings where the employes of said board are domiciled and any  
 11 violation of any police or health rule or regulation of said board shall be  
 12 deemed a misdemeanor punishable as such upon trial and conviction as pro-  
 13 vided by law in other cases. Said board shall have power to appoint a health  
 14 officer who shall be a physician and to prescribe his powers and duties

Sec. 13. For the purpose of defraying all expenditures of said board  
2 made by authority of this Act there shall be issued and sold in the manner and  
3 at the times hereinafter recited, bonds of the State of Illinois to an amount  
4 not exceeding twenty million dollars (\$20,000,000) and the proceeds thereof  
5 shall be paid to the State Treasurer who shall keep an account of the same  
6 as a separate fund to be known as the "Waterway Fund" and to be drawn  
7 upon by the said board in the construction and maintenance of the aforesaid  
8 public works. The board of commissioners is charged with the duty of selling  
9 said bonds to the highest bidder after advertising for a period of sixty (60)  
10 consecutive days, Sundays excepted, in at least two daily newspapers, one of  
11 which shall be printed in the city of Springfield and the other in the city of  
12 Chicago. The said board may reject any and all bids made in pursuance of  
13 said advertisements and in such event is authorized to re-advertise for bids  
14 in the manner above described as many times as may be necessary to effect a  
15 satisfactory sale. One-fifth of each issue of said bonds shall be in denomina-  
16 tions of two hundred dollars (\$200) each, one-fifth in denominations of five  
17 hundred dollars (\$500) each, and three-fifths in denominations of one thousand  
18 (\$1,000) each; and in the sale of said bonds, as hereinafter provided, the board  
19 of commissioners shall in the case of intending purchasers who bid the same  
20 price, give the preference to those who bid for the smaller quantity. Said bonds  
21 shall not all be issued and sold at one time but shall be issued and sold from  
22 time to time as the work proceeds in amounts necessary to meet the obliga-  
23 tions incurred by said board as they shall be estimated by the chief engineer  
24 and reported to and approved by said board. All bonds issued shall be dated  
25 as of the first day of January or the first day of July next preceding the date of  
26 their issue, and shall draw interest payable semi annually evidenced by inter-  
27 est coupons, at a rate not exceeding four (4) per cent per annum, and shall  
28 be sold for not less than par. All bonds issued shall be made payable in twenty

(20) years from the date of their issue, and in the discretion of the said board may be made redeemable in ten (10) years from the date of their issue. They shall be engraved and printed under the direction of the Governor, shall be under the seal of the State, shall be signed by the Governor, and countersigned by the Treasurer and Auditor of the State, and until sold shall be deposited with the State Treasurer. The estimate made and approved as aforesaid of the funds which will be required to meet the obligations for the said work, including maturing interest on outstanding bonds for a period of six (6) months beginning with the 1st day of January or July next ensuing thereafter, shall be made and filed with the Governor of the State of Illinois in the months of April and October of each year.

Sec. 14. All payments for salaries, wages, work done under contract, materials, supplies, machinery, lands and damages to lands, shall be made by the State Treasurer out of the aforesaid waterway fund, upon warrants drawn by the Auditor of Public Accounts, based upon bills of particulars and vouchers certified by the official or agent of the said board having knowledge of the facts upon which the said vouchers are based, audited by the secretary and approved by the chairman of the board. The said board shall prescribe the manner in which payment shall be made for the current and emergency expenses and provide for safe-guarding all disbursements of funds on this behalf. The said board shall have power to keep under its control a fund to meet immediate demands and expenses, not exceeding at any one time fifty thousand dollars (\$50,000.00), and for the purpose of creating the said emergency fund the Auditor of Public Accounts is authorized in the first instance to issue his warrant for the sum of fifty thousand dollars (\$50,000.00) at the direction of the said board, and payable to its treasurer; and the Auditor of Public Accounts is authorized thereafter to issue warrants for the purpose of maintaining said fund at the sum of fifty thousand dollars (\$50,000.00), but shall only



18 issue said warrants upon the presentation to him of receipted bills of particu-  
19 lars and vouchers certified by the official or agent of said board having knowledge  
20 of the facts upon which the vouchers are based, audited by the secretary and  
21 approved by the chairman of the board, and showing the disbursements made  
22 by said board out of the aforesaid emergency fund.

Sec. 15. The said board shall, on or before the first day of January in  
2 each year, make a full report to the Governor of the State of Illinois of all  
3 the business transacted by it during the year ending on the preceding 30th  
4 day of November, including a statement of all expenditures, contracts entered  
5 into, work done, and obligations outstanding or contracted for at the date of  
6 the making of each report. The Governor shall cause the books and affairs of  
7 said board to be audited in each year by an accountant or accountants em-  
8 ployed by him for that purpose, and the cost of such audit shall be paid as  
9 a part of the cost of the work authorized by this Act, upon a voucher approved  
10 by the Governor.

Sec. 16. Said board shall have power from time to time to lease any  
2 water power developed from the water passing through said deep waterway,  
3 or canal, subject to the following conditions:

4 No lease shall be made of any water power until the machinery and ap-  
5 pliances for making the same available shall have been constructed and sub-  
6 stantially completed. Before any such lease shall be made at least ninety (90)  
7 days' public notice of the intended letting shall be given by publication in a  
8 newspaper published in the city of Springfield, and also in the city of Chi-  
9 cago, and such other notice as the board shall deem best. The said board  
10 shall have power to require the bids to be accompanied by security, and may  
11 reject all bids not satisfactory to them and re-advertise until they receive satis-  
12 factory bids, whereupon they shall lease said power to the highest and best



bidder. No lease shall be for a period exceeding ten (10) years, but the said board may provide for not more than one extension of any lease for a further period of ten (10) years, at a rent to be fixed by appraisal to be made by three disinterested appraisers, to be selected or appointed in such manner as shall be provided in the lease. Said board shall also have power to lease from time to time any of the lands or lots acquired by said board, upon the same terms and subject to the same limitation as are hereinbefore provided in regard to water power.

Sec. 17. All rents and other moneys received by the said board, from the operation of the aforesaid public works, after defraying the cost of maintenance and repair, shall be deposited in the State treasury as a separate fund, to be known as the Waterway Sinking Fund, which shall be kept and used to meet the interest and principal falling due upon said bonds, and to be used by said board, in its discretion, in buying up for cancellation, any of said bonds before maturity at not more than the par value thereof, together with accrued interest thereon. The method of disbursing the said Waterway Sinking Fund shall be the same as is hereinbefore provided for the disbursement of the proceeds of the said bonds issued in aid of the original construction of said public works.

Sec. 18. It is hereby made the duty of the aforesaid board of commissioners, immediately upon its appointment and continuously thereafter as long as need be, to treat with the government of the United States for the purpose of procuring its aid in the construction of the aforesaid locks, and for the purpose of procuring its aid in the development and extension of said waterway and canal along lines which will make it a constituent part of a continuous deep waterway or ship canal from Lake Michigan to the Gulf of Mexico. And said board of commissioners is hereby required to make its report, with re-

9   spect to such negotiations with the government of the United States to the .  
10 Governor of the State from time to time, and to each special and general ses-  
11 sion of the legislature held at any time hereafter and until the full co-opera-  
12 tion of the government of the United States in the development and mainteni-  
13 ance of such deep waterway or ship canal is finally procured.

AMENDMENTS TO

46th Assem. Senate Bill No. 465 in House

May 1909

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AMENDMENT NO. 1.

Amend Senate Bill No. 465 by striking out the title of said bill and inserting in lieu thereof the following:

A bill for "An Act to create a waterway commission and make an appropriation therefor."

AMENDMENT. NO. 2.

Amend Senate Bill No. 465 by striking out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. That the Governor shall, within ten days after this Act takes  
2 effect, by and with the advice and consent of the Senate, appoint a commission  
3 of seven members, not more than four of whom shall belong to or be affiliated  
4 with the same political party, to be known as the Waterway Commission of  
5 Illinois. The duty of said commission shall be to carry out the provisions of  
6 this Act, and each member shall be entitled to receive a salary of two hundred  
7 dollars per month, excepting the chairman of the commission, who shall be en-  
8 titled to receive two hundred and fifty dollars per month: *Provided*, that such  
9 compensation shall be limited to the time necessary to perform the duties im-  
10 posed by this Act, said time not to extend for a longer period than twelve  
11 months.

Sec. 2. The commission shall proceed forthwith to secure all necessary data,  
2 make all sufficient and needful investigations, and prepare plans and estimates  
3 of cost for a deep waterway and the works accessory thereto, authorized by the

4 amendment to the constitution of Illinois adopted at the election on November  
5 3, 1908, said plans and estimates to be based upon the construction of a channel  
6 of an ultimate depth of not less than twenty-four feet, and to be otherwise  
7 in conformity with the recommendations of the Internal Improvement Com-  
8 mission of Illinois, submitted to the Forty-fifth General Assembly on April 10,  
9 1907. The route of the deep waterway shall be by way of the sanitary dis-  
10 trict channel and the natural channel of the Desplaines and Illinois rivers,  
11 from the Lake Michigan level and the present water power plant of the sani-  
12 tary and ship canal, of Chicago, near Lockport, in Lockport township, Will  
13 county, to a point at or near Utica, in LaSalle county. The channel of the  
14 Joliet level, extending from Lockport to Lake Joliet, shall be based upon the  
15 ultimate depth and width, below the northern city limits of Joliet, of not less  
16 than four hundred feet between masonry dock walls. The channel below the  
17 Joliet level may be based upon a preliminary depth of not less than fourteen  
18 feet on a bottom width of not less than two hundred feet. All permanent struc-  
19 tures in connection with the deep waterway shall be based upon an ultimate  
20 depth of not less than twenty-four feet in the channel; bridges shall have draw  
21 spans not less than four hundred feet in length over all, with two openings of  
22 not less than one hundred sixty feet each in the clear; locks shall be five in  
23 number and not less than one hundred eight feet in width and nine hundred  
24 sixty feet in effective length. The site for locks, dams and water power plants  
25 shall in general be so selected as to extend the several levels or pools down  
26 stream as far as practicable. The Kankakee level shall in particular extend  
27 below the mouth of the Kankakee river and as near to the city of Morris as  
28 physical conditions will permit and the Morris level shall be extended to the  
29 vicinity of the city of Ottawa and so as to admit the diversion of the Fox river  
30 into the said level.



Sec. 3. The commission, on or before January first, 1910, shall make a re-

2 port, setting forth its plans of estimates and submit the same to the Governor  
3 and the General Assembly, and confer with the proper authorities of the  
4 United States of America and any agency authorized by Congress in regard  
5 to a program of co-operation and joint action by which the United States of  
6 America shall undertake or provide for those features which pertain most im-  
7 mediately to the easement for navigation, as locks and swing bridges, and to  
8 the end that all work shall be in harmony and of approved design and quality.  
9 In the consideration of all common purposes the United States engineer officer  
10 immediately in charge of the Illinois division of the deep waterway may, with  
11 the consent of the Secretary of War, be an *ex officio* member of the commis-  
12 sion, in an advisory capacity only, and be allowed his incidental expenses as  
13 in the case of other members of the commission.

Sec. 4. The commission is authorized and empowered to employ any help

2 and make all expenditures that may be necessary to carry out the provisions of  
3 this Act.

Sec. 5. For the purposes of this Act, the sum of one hundred thousand

2 dollars (\$100,000.00) or so much thereof as may be necessary, is hereby appro-  
3 priated out of any funds in the treasury not otherwise appropriated.

Sec. 6. The Auditor of Public Accounts is hereby authorized and directed

2 to draw his warrants upon the State Treasurer for the sums herein appropri-  
3 ated, said warrants to be drawn only on itemized bills certified by the chair-  
4 man of the commission and approved by the Governor.



1 Reported from Senate May 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide, in counties of the third class, for the licensing of court  
reporters, and to regulate the practice of court reporting.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That a committee for the examination of court re-  
3 porters is hereby created, the members of which committee shall be appointed  
4 by the judges of the Appellate Court of the First District of Illinois, as here-  
5 inafter provided. The duty of such committee shall be to carry out the pur-  
6 poses and enforce the provisions of this Act.

Sec. 2. The said judges shall, as soon as conveniently may be after the  
2 passage of this Act, appoint as such committee of examiners of court report-  
3 ers aforesaid, three persons, at least two of whom shall be skilled in the prac-

4 tice of shorthand court reporting, and shall have been actively engaged there-  
5 in in the State of Illinois for at least twenty years, and the third member of  
6 such committee shall be either a short-hand writer of the grade above de-  
7 scribed or an attorney who has been in active practice in this State for at least  
8 ten years. The term of office of the members of such committee shall be  
9 three years, except that of the first committee appointed under this Act, one  
10 member shall hold office for one year, one member for two years and one  
11 member for three years; such respective terms to be determined by the said  
12 judges, who shall also fill any vacancy that may occur in such committee.

Sec. 3. The members of the said committee shall, within one month after-  
2 their appointment, elect from their number a president, also a secretary, who  
3 shall be the treasurer. The treasurer, before entering upon his or her duties,  
4 shall file with the State Treasurer a bond for one thousand dollars, conditioned  
5 for the faithful performance of his or her duties. The committee shall de-  
6 termine the qualifications of persons applying for licenses under this Act, and  
7 shall make rules for the examination of such persons. The committee shall  
8 adopt rules and regulations not inconsistent with this Act to govern its proceed-  
9 ings, and also a seal, of which the secretary shall have the care and custody,  
10 and shall keep a record of all proceedings of the committee, including  
11 a register of the names of all the court reporters licensed under this  
12 Act, which register shall be at all reasonable times open to public inspection.  
13 The committee shall prosecute all persons violating any of the provisions of  
14 this Act, and may incur necessary expenses on that behalf. Each member of  
15 the committee shall receive the sum of ten dollars for each day actually spent  
16 in the conducting of examinations, together with actual expenses incurred in at-  
17 tending meetings of said committee, said compensation and expenses to be  
18 paid from moneys received by the committee as examining fees; and no part  
19 of said expenses or compensation shall be paid out of the State treasury. All



26 moneys received in excess of said compensation and expenses provided for  
21 shall be held by the treasurer of the committee for meeting the expenses of  
22 said committee and the cost of the annual report of said committee.

Sec. 4. The committee shall hold meetings and conduct examinations at  
2 such times and places as may be prescribed by rules to be entered upon their  
2 records, as provided in the third section of this Act, and shall register and  
4 issue a license to each applicant found qualified to receive the same.

Sec. 5. Upon filing an application for examination and license each ap-  
2 plicant shall pay a fee of ten dollars.

Sec. 6. For the purposes of this Act a court reporter shall be under-  
2 stood to be any person who for the general public shall practice the business  
3 or calling of court reporting in shorthand for hire in any of the courts of this  
4 State, or before any officer or person authorized to take testimony of  
5 witnesses.

Sec. 7. No person shall practice the business or calling of a court re-  
2 porter for the general public in any of the courts of this State, in counties  
3 to which this Act applies, or before any officer or person authorized to take  
4 testimony of witnesses in such counties, without first having obtained a license,  
5 as herein provided: *Provided*, that nothing herein shall prevent attorneys  
6 from taking depositions by unlicensed reporters, upon stipulation or notice:  
7 *Provided, further*, that if at any time it shall appear to the judge or other  
8 officer or person before whom a trial or hearing is about to be had that a  
9 licensed reporter cannot be secured, such judge, officer or other person may  
10 authorize the employment of an unlicensed reporter until a licensed reporter  
11 can be secured.

Sec. 8. Every person so licensed as aforesaid shall record his or her  
 2 license with the county clerk of his or her county, who shall keep a record  
 3 thereof in a book provided for that purpose, and who shall charge the sum of  
 4 twenty-five cents for the recording of each license. Such license must be so  
 5 filed for record within three months after its issuance.

Sec. 9. Said committee shall issue a license under this Act, without exam-  
 2 ination to any court reporter holding, at the time of the passage of this Act,  
 3 an appointment as official reporter in any court of this State, and to any per-  
 4 son who shall satisfy the committee that he or she is a person of good moral  
 5 character and has been actively and continuously engaged in the business of  
 6 court reporting for the general public for at least ten years prior to the passage  
 7 of this Act.

Sec. 10. Every licensed court reporter shall sign his or her name, with  
 2 the words, "Licensed Court Reporter," to all transcripts made by him or her  
 3 to be used in any court.

Sec. 11. The committee may, for unprofessional conduct or other suffi-  
 2 cient cause, revoke any license issued under the provisions of this Act: *Pro-*  
 3 *vided*, that written notice shall have been previously mailed to the holder  
 4 of such license twenty days before any hearing thereon, stating the cause for  
 5 such contemplated action, and appointing a date for a full hearing thereof by  
 6 the committee: *And, provided, further*, that no license shall be revoked until  
 7 a full hearing shall have been had at the place where the offense shall be al-  
 8 leged to have been committed.

Sec. 12. If any person, without having received a license, as provided in  
 2 this Act, shall represent himself or herself to the public, or to any person de-  
 3 siring the services of a court reporter, as having received such a license, or

4 shall assume to practice as a licensed court reporter, or shall use the words,  
5 "Licensed Court Reporter," or the abbreviation "L. C. R.," or any similar  
6 words or letters, to indicate that the person using the same is a licensed  
7 court reporter; or if any court reporter whose license shall have been revoked,  
8 as provided in this Act, shall continue to practice as a licensed court reporter,  
9 he or she shall be deemed guilty of a misdemeanor, and upon conviction there-  
10 of shall be fined a sum not less than fifty dollars (\$50) nor more than two  
11 hundred dollars (\$200) for each offense.

Sec. 13. Any person who shall violate any section or provision of this  
2 Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall  
3 be fined a sum not less than fifty dollars (\$50) nor more than two hundred  
4 dollars (\$200) for each offense.

Sec. 14. This Act shall be applicable only to counties of the third class.





- 1    Reported from Senate May 19, 1909.
- 2    Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for the Illinois Dairymen's Association.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the sum of two thousand five hundred dollars  
3 per annum for the years 1909 and 1910 be, and the same is hereby appropriated  
4 to the said Illinois Dairymen's Association in compiling, publishing and distribut-  
5 ing its report, and other necessary expenses.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his  
2 warrant upon the State Treasurer for the sum in this Act specified, on bills of  
3 particulars certified to by the officials of said association to the order of the  
4 president of said association, and the State Treasurer shall pay the same out  
5 of any funds in the treasury not otherwise appropriated.



- 
- 1 Reported from Senate May 19, 1909.
  - 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 31 of an Act entitled "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved May 11, 1907, in force July 1, 1907.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 31 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved May 11, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

8        Sec. 31. The clerks of all courts of record of Cook county, the treasurer,  
9 sheriff, coroner, county clerk and recorder of deeds of Cook county, hereafter  
10 elected shall be paid by the said Cook county as their only compensation for  
11 their services, the following named salaries, to-wit:

12        The clerk of the circuit court, the sum of nine thousand dollars per annum.

13        The clerk of the superior court, the sum of nine thousand dollars per annum.

14        The county clerk of Cook county, as the only compensation for services ren-  
15 dered in the capacity of county clerk, of the county of Cook, or in any other  
16 capacity, the sum of nine thousand dollars per annum.

17        The clerk of the criminal court, the sum of nine thousand dollars per an-  
18 num.

19        The clerk of the probate court of Cook county, the sum of nine thousand  
20 dollars per annum.

21        The county treasurer, the sum of four thousand dollars per annum.

22        The sheriff, the sum of nine thousand nine hundred and sixty dollars per  
23 annum.

24        The coroner, the sum of nine thousand dollars per annum.

25        The recorder of deeds of Cook county, as the only compensation for ser-  
26 vices rendered in the capacity of recorder or in any other capacity, the sum  
27 of nine thousand dollars per annum.



1    Reported from Senate May 26, 1909.

2    Read by title, ordered printed and to a first reading.

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## A BILL

For an Act requiring cities and village and incorporated towns to submit any ordinance authorizing the issue of bonds or other obligations, except to refund any existing bonded indebtedness to the voters of any such city or village or incorporated town.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That hereafter no ordinance passed by the city council of any city, or board of trustees of any village or incorporated town, as the case may be, which provides for or authorizes the issue of bonds or other obligations (except bonds to refund any existing bonded indebtedness) shall become operative, effective or valid until any such ordinance shall have been submitted to the voters of any such city or village or incorporated town, as the case may be, at the next succeeding general or special election and approved by a majority of such voters voting upon the question.

Sec. 2. Such ordinance shall be printed on a ballot, which shall be separate  
 2 and distinct from the ballot for candidates for office, stating the amount of the  
 3 bond issue provided for in such ordinance and the specific purpose or purposes  
 4 for which such bonds or obligations are to be issued.

5 The ballot to be used at any such election in voting under this Act shall be  
 6 substantially in the following form:

|  |      |  |
|--|------|--|
| Shall bonds or obligations for the purpose of<br>(state specific purpose) in the sums of \$. . . . . | Yes. |  |
| be issued by the city council (or board of trustees, as the<br>case may be).                         | No.  |  |

**AMENDMENT TO**

**46th Assem.      Senate Bill No. 476 in House      May 1909**

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Adopted May 28, 1909.

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**AMENDMENT NO. 1.**

Amend the title of Senate Bill 476 in the House to read as follows:

An Act requiring cities, villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, except to refund any existing bonded indebtedness, to the voters of any such city or village or incorporated town.





- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend sections 29 and 30, of an Act entitled “An Act to provide for the holding of primary elections by political parties,” approved February 21, 1908, in force July 1, 1908.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That sections 29 and 30 of an Act entitled “An Act to  
3 provide for the holding of primary elections by political parties,” approved  
4 February 21, 1908, in force July 1, 1908, be and the same are hereby amended  
5 to read as follows:

6 Sec. 29. Any candidate for United States Senator may have his name  
7 printed upon the primary ballot of his political party by filing in the office of  
8 the Secretary of State, not less than thirty (30) days prior to the date of the  
9 April primary, in any year, a petition signed by not less than three thousand  
10 (3,000) primary electors, nor more than five thousand (5,000) members of and

11 affiliated with the party of which he is a candidate, and no candidate for  
 12 United States Senator, who fails to comply with the provisions of this Act, shall  
 13 have his name printed upon any primary ballot: *Provided*, that the vote upon  
 14 candidates for United States Senator shall be had for the sole purpose of ascer-  
 15 taining the sentiment of the voters of the respective parties; *and that the total*  
 16 *vote of the State at large shall be the unit of choice and such vote shall be re-*  
 17 *garded as the sentiment of the voters thereon.*

18 Sec. 30. The name of no candidate for nomination, or State central com-  
 19 mitteemen, or senatorial committeemen, shall be printed upon the primary bal-  
 20 lot unless a petition for nomination shall have been filed in his behalf, as pro-  
 21 vided in this Act in substantially the following form:

22 We, the undersigned, members of and affiliated with the .....  
 23 party and qualified primary electors of said ..... party, in the  
 24 ..... of ..... in the county of ..... and  
 25 State of Illinois, do hereby petition that the following named person or persons  
 26 shall be a candidate or candidates of the ..... party for the nom-  
 27 ination for the office or offices hereinafter specified, to be voted for at the pri-  
 28 mary election held on the ..... day of ..... A. D. ....

| 29 NAME.              | OFFICE.       | ADDRESS.            |
|-----------------------|---------------|---------------------|
| 30 John Jones         | Governor      | Belvidere, Illinois |
| 31 Thomas Smith       | Sheriff       | Oakland, Illinois   |
| 32 Name .....         | Address ..... |                     |
| 33 State of Illinois, | } ss.         |                     |
| 34 ..... County.      |               |                     |

35 I, ....., do hereby certify that I am upwards of the age of  
 36 twenty-one years, that I reside at No..... street, in the ..... of  
 37 ..... county of ..... and State of Illinois, and that the signa-  
 38 tures on this sheet were signed in my presence, and are genuine, and that to

39 the best of my knowledge and belief the persons so signing were at the time  
40 of signing said petitions qualified voters and that their respective residences  
41 are correctly stated, as above set forth.

42 .....  
43 Subscribed and sworn to before me this ..... day of ..... A. D. ...  
44 .....  
45 .....

46 Such petitions shall consist of sheets of uniform size, and each sheet shall  
47 contain above the space for signatures an appropriate heading giving the in-  
48 formation as to name of candidate or candidates, in whose behalf such petition  
49 is signed; the office, the political party represented, place of residence, and  
50 such other information or wording as required to make same valid; and the  
51 heading of each sheet shall be the same. Such petition shall be signed by quali-  
52 fied primary electors in their own proper persons only, and opposite the sig-  
53 nature of each signer, his residence address shall be written (and if a resident  
54 of a city having a population of over 10,000 by the then last preceding federal  
55 census, the street number of such residence shall be given). No signature  
56 shall be valid or be counted in considering the validity or sufficiency of such pe-  
57 tition, unless the requirements of this section are complied with, except as here-  
58 in otherwise provided. At the bottom of each sheet of such petition shall be  
59 added a statement, signed by an adult resident of the political division for  
60 which the candidate is seeking a nomination, stating his residence address (and  
61 if a resident of a city having a population of over 10,000 by the then last pre-  
62 ceding federal census, also, stating the street number of such residence) certi-  
63 fying that the signatures on that sheet of said petition were signed in his pres-  
64 ence, and are genuine; and that to the best of his knowledge and belief the per-  
65 sons so signing were at the time of signing said petition qualified voters of the  
66 political party for which a nomination is sought. Such statement shall be  
67 sworn to before some officer of the county in which the person making such

68 statement resides, authorized to administer the oaths therein. Such sheets be-  
 69 fore being filed, shall be neatly fastened together in book form, by placing the  
 70 sheets in a pile and fastening them together at one edge in a secure and suit-  
 71 able manner, and the sheets shall then be numbered consecutively. The sheets  
 72 shall not be fastened by pasting them end to end, so as to form a con-  
 73 tinuous strip or roll. Said petition, when filed, shall not be withdrawn or added  
 74 to, and no signatures shall be revoked except by revocation filed in writing  
 75 with the clerk or the proper officer with whom the petition is required to be  
 76 filed, and before the filing of such petition. Whoever, in making the sworn  
 77 statement above prescribed, shall knowingly, wilfully and corruptly swear  
 78 falsely, shall be deemed guilty of perjury, and on conviction thereof, shall be  
 79 punished accordingly. Whoever forges the name of a signer upon any petition  
 80 required by this Act, shall be deemed guilty of a forgery, and on conviction  
 81 thereof, shall be punished accordingly.

82 Petitions of candidates for nomination for offices herein specified, to be filed  
 83 with the same officer. may contain the names of two or more candidates of the  
 84 same political party for the same or different offices.

85 Such petitions for nomination shall be signed:

86 (a) If for a State office, by not less than one thousand (1,000) nor more  
 87 than two thousand (2,000) primary electors of his party;

88 (b) If for a Congressional or Senatorial office, by at least one-half of one  
 89 per cent of the qualified primary electors of his party in his congressional or  
 90 senatorial district, as the case may be: *Provided, that a candidate for the*  
 91 *General Assembly may sign and attach to and make part of such petition a*  
 92 *statement with reference to his attitude upon the advisory vote on candidates*  
 93 *for the United States Senate provided for in section 29 of this Act, such state-*  
 94 *ment to be substantially one of the following forms, viz.: Form No. 1. "I,*  
 95 *(Name of the candidate for the General Assembly) declare to the people of the*



96 *State of Illinois, as well as to the people of my legislative district that I will vote*  
 97 *for the candidate for United States Senator who has received the highest number*  
 98 *of votes from the people of my party at the primary next preceding the election of*  
 99 *a United States Senator without regard to my individual preference.” Form No.*  
 100 2. *“I (Name of the candidate for the General Assembly) declare to the people of*  
 101 *the State of Illinois, as well as to the people of my legislative district that I will*  
 102 *consider the vote as cast for candidates for the office of United States Senator at*  
 103 *the primary next preceding the election of a United States Senator merely as a*  
 104 *recommendation which I shall be at liberty to disregard if the reasons therefor*  
 105 *are believed by me to be proper and sufficient.*

106 (c). If for a judicial office, by at least one-half of one per cent of the qualified  
 107 primary electors of his party in the district or division for which the nomina-  
 108 tion is made.

109 (d) If for a county office, by at least one-half of one per cent of the quali-  
 110 fied primary electors of his party in his county: *Provided*, that if for the  
 111 nomination for county commissioner of Cook county, then by at least one-half of  
 112 one per cent of the qualified primary electors of his party in his county in the  
 113 district or division in which such person is a candidate for nomination.

114 (e) If for a city or village office, to be filled by the electors of the entire  
 115 city or village, by at least one-half of one per cent of the qualified primary  
 116 electors of his party in his city or village; if for alderman, by at least one-half  
 117 of one per cent of the voters of his party of his ward.

118 (f) If for State central committeeman, by at least one hundred (100) of  
 119 the primary electors of his party in his congressional district.

120 (g) If for senatorial committeeman, by at least ten (10) of the primary  
 121 electors of his party of the county where the senatorial district is co-extensive  
 122 with one county or is composed of more than one county; but in case the sena-  
 123 torial district is wholly within the territorial limits of one county, or partly

124 within the territorial limits of one county and partly within the territorial  
125 limits of another county, then such petition shall be signed by at least ten (10)  
126 of the primary electors of his party of his senatorial district.

127       (h) If for a candidate for trustee of a sanitary district, by at least one-  
128 half of one per cent of the primary electors of his party from such sanitary  
129 district.

130       (i) If for a candidate for clerk of the appellate court, by at least one-  
131 half of one per cent of the primary electors of his party of the district.

132       (j) If for any other office, by at least ten (10) primary electors of his  
133 party of the district or division for which nomination is made.

1 Reported from Senate, May 13, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act concerning the property of extinct churches, parishes and religious societies.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That if any church, parish or religious society fails  
3 for two consecutive years to maintain regular religious services as often as  
4 once a month for nine months in a year, or has had for two years less than  
5 thirteen resident attending members paying annual pew rent, or making an-  
6 nual contributions toward its support, such church, parish or religious society  
7 shall be deemed extinct, and the incorporated presbytery, synod, convention, or  
8 other governing body with which it is affiliated, or which has ecclesiastical jur-  
9 isdiction over it, may take possession of the temporalities and real and per-  
10 sonal property belonging to such extinct church, parish or religious society, and  
11 manage, rent, lease, sell, convey, invest or otherwise dispose of the same for

12 the benefit of the religious denomination represented by such governing body,  
 13 and for the purpose of obtaining a record title to the land and the church edi-  
 14 fice or other buildings thereon, if any, by such incorporated governing body,  
 15 the surviving trustee or trustees of said extinct church, parish or religious  
 16 society may, without a consideration being paid therefor by such incorporated  
 17 governing body, convey to it said land and all buildings thereon: *Provided*,  
 18 that before said conveyance is made by said surviving trustee or trustees a  
 19 meeting of the members of such extinct church, parish or religious society  
 20 shall be called for the purpose of authorizing such conveyance. A notice stat-  
 21 ing the time and place and object of such meeting shall be posted in a conspicu-  
 22 ous place on the property and shall also be mailed, postage prepaid, to all the  
 23 members of such church, parish or religious society at their last known ad-  
 24 dress at least three weeks before said meeting. If a majority of such mem-  
 25 bers attending such meeting vote in favor of such conveyance, then said sur-  
 26 viving trustee or trustees shall be authorized to convey said property to said  
 27 incorporated governing body: *Provided, further*, that if all the surviving mem-  
 28 bers of such church, parish or religious society sign a written statement ap-  
 29 proving such transfer, then no meeting of such members need be held.

Sec. 2. If the surviving trustee or trustees of any extinct church, parish  
 2 or religious society neglect or refuse to convey its property to the incorpo-  
 3 rated governing body of the denomination to which it belongs, or, if there be  
 4 no surviving trustee of such church, parish or religious society, then, upon  
 5 petition of such incorporated governing body, the circuit court of the county  
 6 in which such property is located, upon proof that such church, parish or re-  
 7 ligious society has become extinct under the terms of this Act, may make an  
 8 order adjudging and decreeing that the title to such property is in such incor-  
 9 porated governing body. A notice of the pendency of such suit shall be issued  
 10 containing the name of the incorporated governing body complainant, the



11 name of the extinct church, parish or religious society, a description of the  
12 property in question, the names of the surviving trustees and officers of such  
13 extinct church, parish or religious society, as far as known, the title of the  
14 court and the time and place of return of summons in the case. Said notice  
15 shall be published at least once in each week for four successive weeks in  
16 some public newspaper published in the county where the property is located,  
17 or, if no newspaper is published in such county, then in the nearest news-  
18 paper in such State, the first publication to be at least forty days prior to the  
19 beginning of the term of court at which such suit is returnable; a written or  
20 printed copy of such notice shall be posted in a conspicuous place on the prop-  
21 erty and in five other of the most public places in said county, and shall also  
22 be served on the surviving officers and trustees of said church, parish or re-  
23 ligious society who can be found in said county by delivering a copy thereof  
24 to each of said officers and trustees or leaving such copy at his usual place  
25 of abode with some person of the family of the age of ten years or upwards,  
26 and informing such person of the contents thereof, and be mailed, postage  
27 prepaid, to all other trustees and officers, addressed to their last known address  
28 at least forty days before the beginning of the term of court at which such  
29 suit is returnable. All persons not mentioned by name in said notice and the  
30 summons who claim an interest in the property of any such extinct church,  
31 parish or religious society shall be made defendants under the general title,  
32 to whom it may concern, and all such persons shall be deemed to be included  
33 under such general designation, and the rights and claims of all such persons  
34 shall be deemed to have been determined in such suit: *Provided*, that when  
35 any final decree shall be entered against any defendants who shall not have  
36 been summoned or been served with a copy of the bill or received the notice  
37 required to be sent him by mail and such person, his heirs, devisees, exec-  
38 utor, administrator or other legal representatives, as the case may require,

39 shall, within one year after notice, in writing given him of such decree, or,  
40 within three years of such decree, if no such notice shall have been given him  
41 as aforesaid, appear in open court and petition to be heard touching the mat-  
42 ter of such decree, and shall pay such costs as the court shall deem reason-  
43 able in that behalf; the person so petitioning may appear and answer the com-  
44 plainant's bill, and thereupon such proceedings shall be had as if such defend-  
45 ants had appeared in due season and no decree had been made. And if it  
46 shall appear, upon the hearing, that such decree ought not to have been made  
47 against such defendants, the same may be set aside, altered or amended, as  
48 shall appear just; otherwise the same shall be ordered to stand confirmed  
49 against said defendant. The decree shall, after three years from the making  
50 thereof, if not set aside in manner aforesaid, be deemed and adjudged con-  
51 firmed against said defendant and all persons claiming under him by virtue  
52 of any act done subsequent to the commencement of such suit; and at the end  
53 of said three years, the courts may make such further order in the premises  
54 as shall be required to carry the same into effect.

- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend sections 5 and 40 of article III, section 8 of article VI and section 1 of article VIII (as heretofore amended) of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That sections 5 and 40 of article III, section 8 of

3 article VI and section 1 of article VIII (as heretofore amended) of an

4 Act entitled “An Act to establish and maintain a system of free schools,”

5 approved and in force May 21, 1889, be and the same is hereby amended in

6 the following respects, that is to say:

7 Sec. 5. of article III of said Act shall be and is hereby amended so as to read

8 as follows:

9       “Sec. 5. The election of trustees of schools shall be on the third Saturday in  
10 April annually.”

11       Section 40 of article III of said Act shall be and is hereby amended so as to  
12 read as follows:

13       “Sec. 40. If a majority of the votes at such election shall be found to be in  
14 favor of establishing a township high school, it shall be the duty of the trustees  
15 of the township to call a special election on any Saturday within sixty days from  
16 the time of the election establishing the township high school, for the purpose  
17 of electing a township board of education, to consist of five members, notice of  
18 which election shall be given for the same time and in the same manner as  
19 provided for in the election of township trustees. *Nominations for the office*  
20 *of members of such board shall be made in the same manner as is now, or may*  
21 *be from time to time provided by law for the nomination of members of boards*  
22 *of education in school districts having a population of not less than one thou-*  
23 *sand and not more than one hundred thousand.* The members elected shall  
24 determine by lot, at their first meeting, the length of term each is to serve. Two  
25 of the members shall serve for one year each, two for two years, and one for three  
26 years from the *third* Saturday of April next preceding their election. When-  
27 ever a vacancy occurs (except by death or resignation), a successor or successors  
28 shall be elected, each of whom shall serve for three years, which subsequent  
29 election shall be held on the same day and in the same manner as the election  
30 of township trustees. In case of vacancy from other cause than the expiration  
31 of the term of office, the board shall call an election without delay, which  
32 election may be held on any Saturday, notice for which shall be given for the  
33 same time and in the same manner as for the election of township trustees.  
34 Within ten days after their election, the members of the township board of edu-  
35 cation shall meet and organize by electing one of their number president, and



36 by electing a secretary. It shall be the duty of the township board of educa-  
37 tion to establish at some central point most convenient to a majority of the  
38 pupils of the township, a high school for the education of the more advanced  
39 pupils."

40 Section 8 of article VI of said Act shall be and is hereby amended so as  
41 to read as follows:

42 "Sec. 8. The election of boards of education shall be governed by the  
43 provisions of this Act relating to the election of boards of directors: *Provided*,  
44 *however*, that *nominations to fill vacancies on any such board or for the*  
45 *original election of members thereof shall be made in each instance by petition*  
46 *of at least ten voters of such district filed with such board of education not*  
47 *less than twenty nor more than thirty days before the date of such election;*  
48 *such nominations shall be posted by such board of education in some public*  
49 *place in such district within three days after such time has expired, but nomina-*  
50 *tions for such office may also be made by like petition signed by at least five*  
51 *per cent of the voters of such district ascertained by the votes cast at the last*  
52 *preceding general election in such district, to be filed not less than ten days*  
53 *nor more than twenty days before the date of such election, which nominations,*  
54 *if any, shall also be posted in like manner within three days after said time*  
55 *for nominations has expired, and at such election no votes shall be received ex-*  
56 *cept for persons thus nominated.*

57 "Such election shall be conducted in the same manner, and be governed by  
58 the provisions of this Act relating to the election of boards of directors, except  
59 as otherwise provided by law: *Provided, however*, that boards of education  
60 shall have power to establish a suitable number of voting precincts and fix the  
61 boundaries thereof for the accommodation of the voters of the district in which  
62 such election is held, in each of which voting precincts there shall be one poll

63 ing place designated by the board. Whenever such board of education shall,  
 64 under the provisions of this Act, establish more than one voting precinct for  
 65 such election, they shall appoint two judges and one clerk for each polling  
 66 place, assigning so far as may be at least one member, of such board to each  
 67 polling place.”

68 Section 1 of article VIII of said Act, as the same was amended by an Act  
 69 approved May 20, 1907, in force July 1, 1907, shall be and is hereby amended  
 70 so as to read as follows:

71 “Sec. 1. For the purpose of establishing and supporting free schools for  
 72 not less than six nor more than nine months in each year and defraying all the  
 73 expenses of the same of every description, for the purpose of repairs and im-  
 74 proving school houses, procuring furniture, fuel, libraries and apparatus and  
 75 all other necessary incidental expenses in each district, village or city, anything  
 76 in any special charter to the contrary notwithstanding, the directors, *or the*  
 77 *board of education of such district*, or the authorities of such village or city,  
 78 *as the case may be*, shall be authorized to levy a tax annually upon all the tax-  
 79 able property of the district, village or city, not to exceed, *except as hereinafter*  
 80 *stated*, two and one-half per cent for educational, and two and one-half per  
 81 cent for building purposes, except to pay indebtedness contracted previous to the  
 82 passage of this Act, *upon* the valuation to be ascertained by the last assess-  
 83 ment for State and county taxes. *But if the board of education, in any district*  
 84 *having a population of not less than one thousand and not over one hundred*  
 85 *thousand inhabitants, and not governed by any special Act in relation to free*  
 86 *schools now in force, shall desire to levy in any year more than two and*  
 87 *one-half per cent, but not more than three and one-half per cent, for educational*  
 88 *purposes, such board may, by resolution stating the percentage so desired, cause*  
 89 *a proposition for an assent thereto to be submitted to the voters of such dis-*

90 *trict at any general school election, or at a special election called for that pur-*  
 91 *pose, and if at such election a majority of the votes cast on said proposition shall*  
 92 *be in favor thereof, the board of education of such district may thereafter, until*  
 93 *such authority is revoked in like manner, levy annually for educational pur-*  
 94 *poses, a tax in excess of two and one-half per cent, but not exceeding the per-*  
 95 *centage mentioned in said proposition, and for building purposes such a per-*  
 96 *centage that the aggregate levy shall not exceed five per cent; proposed changes*  
 97 *in such percentage for educational purposes, either to increase or decrease the*  
 98 *same, but not below two and one-half per cent nor above three and one-half per*  
 99 *cent, may be submitted at any time, and from time to time, to the voters of such*  
 100 *district, at any such election, either at the instance of such board of education*  
 101 *or by petition for that purpose, addressed to such board, and signed by at least*  
 102 *five per cent of the voters of such district ascertained by the votes cast at the*  
 103 *last preceding general election in said district; and such board of education*  
 104 *shall levy no general tax in excess of two and one-half per cent for educational*  
 105 *purposes that shall not be authorized by the result of such election, ascertained*  
 106 *as aforesaid, unless and until assented to by the voters of such district in like*  
 107 *manner: Provided, that in cities having a population exceeding one hundred*  
 108 *thousand inhabitants, the board of education may establish and maintain va-*  
 109 *cation schools and play grounds under such rules as it may prescribe.*

110 *“And, provided, further, that nothing herein contained shall be held to re-*  
 111 *peal or modify the limitations contained in section forty-nine (49) of an Act*  
 112 *entitled ‘An Act for the assessment of property and providing the means there-*  
 113 *for, and to repeal a certain Act therein named,’ approved February 25, 1898.*

114 *“And, provided, further, that in municipalities and school districts, of less*  
 115 *than 100,000 inhabitants, the term incidental expenses as herein used shall not*  
 116 *include any sum expended or obligation incurred for the improvement, repair*

117 or benefit of the school buildings or property, but all such sums and obligations  
118 shall be paid from that portion of the tax levied for building purposes.

119     “*And, provided, further,* that no election or petition shall be necessary to  
120 authorize the levy of a tax for the ordinary repair and improvement of school  
121 buildings or grounds or for the payment of any special tax or special assess-  
122 ment levied upon such property.”



- 1    Reported from Senate May 26, 1909.
- 2    Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 42 of an Act entitled, “An Act concerning local im-  
provements,” approved June 14, 1897, in force July 1, 1897; as amended by an  
Act approved May 14, 1903, and in force July 1, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 42 of “An Act concerning local im-  
3 provements,” approved June 14, 1897, in force July 1, 1897; as amended by  
4 Act approved May 14, 1903, and in force July 1, 1903, be and the same are  
5 hereby amended so as to read as follows:

6        Sec. 42. It shall be lawful to provide by the ordinance for any local im-  
7 provement, any portion of the cost of which is to be defrayed by special assess-  
8 ment or special taxation, or by ordinance passed at any time before the confirma-  
9 tion of the assessment roll, that the aggregate amount assessed, and each individ-

ual assessment, and also the assessment against the municipality on account of property owned by the municipality and for public benefits, be divided into installments, not more than twenty (20) in number. In all cases such divisions shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments of the aggregate equal in amount and each a multiple of one hundred dollars (\$100). The first installment shall be due and payable on the second day of January next after the date of the first voucher issued on account of work done, and the second installment one year thereafter and so on annually until all installments are paid; and it is hereby made the duty of the board of local improvement to file in the office of the clerk of the court in which such assessment was confirmed, a certificate signed by its secretary, of the date of said first voucher and of the amount thereof, within thirty (30) days after the issuance thereof. All installments shall bear interest as hereinafter provided until paid, at the rate of four (4) per cent per annum. Interest on assessments shall begin to run from the date of the first voucher issued on account of work done as aforesaid. The interest on each installment shall be payable as follows: On the second day of January next succeeding the date of the first voucher aforesaid so certified as aforesaid, the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installment, and thereafter the interest on all unpaid installments, then payable, shall be payable annually, and be due and payable at the same time as the installments maturing in such year and be collected therewith. In all cases it shall be the duty of the municipal collectors, as the case may be, whenever payment is made of any installment, to collect interest thereon up to the date of such payment, whether such payment be made at or after maturity. Any person may at any time pay the whole assessment against any lot, piece or parcel of land, or any installment thereof, with interest as provided herein.

up to the date of payment. Whenever any city, town or village has heretofore levied for any public improvement a special tax or a special assessment, payable in not to exceed ten installments, of which all except the first draw interest at any rate specified in the ordinance under the authority of which such improvement is made not exceeding five (5) per cent per annum, and judgment has been duly entered in such proceeding confirming such tax or such assessment, payable as aforesaid. the judgment in such proceeding shall not be invalid because said assessment is so divided or because the rate of interest therein is fixed at five or at four per cent, as the case may be, but all such judgments, unless void for other reasons, shall be valid and enforceable. And when improvement bonds shall have been issued for the purpose of anticipating the collection of the deferred installments of any such special tax or assessment, such bonds shall not, if otherwise valid, be void either because of the number of series into which they are divided or the rate of interest they bear; but if such bonds are in other respects in compliance with the statutes of the State of Illinois in such case made and provided, they shall be valid and enforceable to the extent that the tax or assessment against which they are levied is enforceable, or any re-levy thereof. The provisions of this section as to the division of installments and rate of interests shall apply to all cases pending in court and unconfirmed on July 1, 1903.





- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section thirty-six (36) of an Act entitled “An Act to revise the law in relation to the partition of real estate,” approved February 9, 1874, in force July 1, 1874, as amended by Act approved and in force June 3, 1889.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section thirty-six (36) of an Act entitled “An Act to revise the law in relation to the partition of real estate,” approved February 9, 1874, in force July 1, 1874, as amended by Act approved and in force June 3, 1889, be and the same is amended to read as follows:

6 Sec. 36. When a sale of premises is made and no person appears to claim

7 such portion of the money as may belong to any non-resident, or person whose

8 name is unknown, or the person entitled to the money declines to receive the

9 same, or where for any other reason or cause the money can not be paid over

10 to or for the benefit of the person thereto entitled, the court shall require such  
11 money to be deposited in the county treasury, subject to the further order of  
12 the court, and the master, special commissioner or other person making the  
13 sale shall, upon such deposit, be relieved from further liability with reference  
14 thereto.

15 All money so required to be deposited shall be received by the county treas-  
16 urer and shall be subject to and be paid upon the order of the said court.

- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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A BILL

For an Act to amend section 76 of an Act entitled, “An Act concerning local improvements,” approved June 14, 1897, in force July 1, 1897, as amended by Act approved and in force May 9, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 76 of an Act entitled, “An Act concerning local improvements,” approved June 14, 1897, in force July 1, 1897, as amended by Act approved and in force May 9, 1901, be amended, so that when amended, the same shall read as follows, to-wit:

Sec. 76. Notice shall be given by advertisement in some newspaper, adopted for that purpose, by the Board of Local Improvements, by an order entered in their records, that bids will be received for the construction of such improvement, either as a whole or in such sections as the board shall specify in its notice, in accordance with the ordinance therefor; which notice shall

11 state the time of opening such bids (not more than twenty-five (25) nor less  
12 than eighteen (18) days thereafter), and shall further state where the speci-  
13 fications for such improvements are to be found, and whether the contractors  
14 are to be paid in cash or in bonds, and if in bonds, then the rate of interest  
15 such vouchers or bonds shall draw. If no newspaper be published in said muni-  
16 cipality, then four such notices shall be posted, all of which shall be in the vicin-  
17 ity of the proposed improvement. Proposals or bids may be made either for  
18 such work as a whole or for such specified sections thereof. All proposals or  
19 bids offered shall be accompanied by cash or by a check, payable to the order  
20 of the president of the Board of Local Improvements in his official capacity,  
21 certified by a responsible bank, for an amount which shall not be less than ten  
22 (10) per centum of the aggregate of the proposal. Said proposals or bids shall  
23 be delivered to the Board of Local Improvements, and said board shall, in  
24 open session, at the time and place fixed in said notice, examine and publicly  
25 declare the same. *Provided, however,* that no proposals nor bids shall be con-  
26 sidered unless accompanied by such check or cash.



- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to authorize the levy of an annual tax in cities, villages and incorporated towns, to pay benefits, assessed upon or to be paid by such city, village or incorporated town, for the making of local improvements and lawful expenses incident thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That in addition to the taxes now or hereafter ap-  
3 thorized to be annually levied and collected, the corporate authorities of all  
4 cities, villages and incorporated towns in this State, be and they are hereby au-  
5 thorized and empowered annually to levy and collect a tax not to exceed two  
6 mills on the dollar on all taxable property, which said tax with such other funds  
7 as may be provided from other or additional sources, funds or levies, shall be  
8 appropriated or applied to the payment of such portion of the cost of local im-  
9 provements then made or to be made, and lawful expenses incident thereto, as

10 may be taxed, assessed or otherwise charged upon or against such municipal-  
11 ity as and for public benefits, or as the portion of the cost of such improvement  
12 and lawful expenses incident thereto, payable by such municipality as its por-  
13 tion of the cost of such improvements.

- 1 Reported from Senate, May 20, 1909.
- 2 Read a first time, ordered printed and referred to Committee on Appropriations.

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A BILL

For an Act making appropriation for county fairs or other agricultural societies of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of forty thousand dollars (\$40,000.00) per annum, or so much thereof as may be annually necessary, be, and the same is, hereby appropriated to county fairs or other agricultural societies of the State of Illinois, said appropriation to be divided between such county fairs or agricultural societies which have complied with the conditions prescribed by section 7 of an Act entitled "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and Acts amendatory thereof: *Provided*, that the amounts to be paid

11 to any county fair or agricultural society during any one year shall not exceed  
12 the sum of seventeen hundred dollars (\$1,700.00) each.

Sec. 2. The Auditor of Public Accounts is hereby authorized and direct-  
2 ed to draw his warrants upon the State Treasurer for the moneys herein ap-  
3 propriated in favor of the several county fairs or agricultural societies of this  
4 State who shall have complied with the provisions of section 7 of the Act  
5 referred to herein, and the certificate of the State Board of Agriculture, signed  
6 by its president and attested by its secretary, shall be required by the Au-  
7 ditor of Public Accounts as proof of such compliance.



AMENDMENT TO

49th Assem. Senate Bill No. 490 in House May 1909

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Adopted May 25, 1909.

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AMENDMENT NO. 1.

Amend by striking out, in section 1, lines 2 and 3, of the printed bill, the words and figures "40,000" and inserting in lieu thereof the words and figures "\$50,000."



- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the certification of teachers.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That no one shall receive for teaching in the com-  
3 mon schools of this State any part of any public school fund who is not of  
4 good character, at least eighteen years of age and who does not, at the time  
5 he enters upon his duties, hold a certificate of qualification covering the entire  
6 period of his employment and granted by the Superintendent of Public Instruc-  
7 tion, a county superintendent or, in a city having a population exceeding  
8 100,000 inhabitants, by the board of education of such city.

Sec. 2. Certificates granted by the Superintendent of Public Instruction  
2 and the requirements for the same shall be as follows:

3       *First*—A life elementary school certificate for which the requirements shall  
 4 be graduation from a recognized high school and from a recognized normal  
 5 school, or an equivalent preparation, and three years' successful teaching on  
 6 a first grade county certificate of which two shall have been in the State, a  
 7 successful examination in English, psychology, and the principles and methods  
 8 of teaching, and the preparation of a thesis on one or more elementary school  
 9 problems, the subject or subjects of which shall be selected from a list pre-  
 10 scribed by the State Board of Education.

11       *Second*—A life high school certificate for which the requirements shall be  
 12 graduation from a recognized college or university, or the completion of an  
 13 equivalent preparation, and three years' successful teaching, two of which  
 14 shall have been in the State on a first grade certificate; a successful exam-  
 15 ination in English, psychology, and the principles and methods of teaching, and  
 16 the preparation of a thesis on one or more secondary school problems, the sub-  
 17 ject or subjects of which shall be selected from a list prepared by the State  
 18 Board of Education.

19       *Third*—Supervisory certificates of two grades, first and second. A second  
 20 grade supervisory certificate shall be valid for five years for supervisory work  
 21 in any town, city, or county of the State and for teaching in the schools super-  
 22 vised by the holder. The requirements of such certificate shall be the same  
 23 as for a first grade elementary school certificate, and, in addition thereto, a  
 24 successful examination in psychology, the history of education, school supervi-  
 25 sion, administration and organization, and the school system and school laws  
 26 of Illinois: *Provided, however,* that successful experience in school supervi-  
 27 sion may be accepted in lieu of successful experience in teaching. This certifi-  
 28 cate shall be renewable for five year periods on satisfactory evidence of suc-  
 29 cessful teaching, or supervision, and of professional progress.

30       A first grade or life supervisory certificate shall be valid for supervisory  
 31 work in any town, city or county, and for teaching in any school in the State.



32 The requirements for this certificate shall be the same as for a life high school  
 33 certificate, with the exception that time spent in supervision may be counted  
 34 in lieu of teaching; and in addition thereto a successful examination in all the  
 35 subjects required for a second grade supervisory certificate, sociology, and  
 36 such other school systems of other states and countries as may be prescribed  
 37 from time to time by the State Board of Education.

38 Life certificates in force at the time of the passage of this Act shall be  
 39 valid for both teaching and supervising in any district in the State.

Sec. 3. Examinations for State certificates shall be held at such times and  
 2 places and under such rules as may be prescribed by the State Board of  
 3 Education. To each person who is successful in the examination for a State  
 4 certificate the Superintendent of Public Instruction shall issue a certificate of  
 5 the kind applied for, if, in his judgment, the personality of such applicant  
 6 and his general qualifications other than scholarship prepare him for the work  
 7 which the certificate would authorize him to perform.

Sec. 4. A life certificate shall be valid in any district of the State outside  
 2 of cities having a population exceeding 100,000 inhabitants, but shall lapse  
 3 three years after the person to whom it is issued ceases to engage in educa-  
 4 tional work unless it shall have been renewed within that time by the Superin-  
 5 tendent of Public Instruction. The holder of any certificate granted by the  
 6 Superintendent of Public Instruction shall, annually, while he continues to  
 7 teach, present his certificate to the county superintendent for registration.

Sec. 5. Certificates granted by the county superintendent and the require-  
 2 ments for the same shall be as follows:

3 *First*—A third grade elementary school certificate, valid for one year in  
 4 the elementary schools of the county in which it is issued, renewable once on  
 5 evidence satisfactory to the county superintendent of not less than three

6 months' successful teaching, and a second time if, in the period following the date of issuing the certificate, the holder shall have had twelve weeks' professional training in any recognized school providing such training. Applicants for such certificates shall be required to pass an examination in such subjects of the elementary school curriculum as may be prescribed by the State Board of Education. The issuing of this form of certificate may be discontinued at the option of the State Board of Education.

13       *Second*—A second grade elementary school certificate, valid for two years. This certificate shall be renewable on evidence satisfactory to the county superintendent of six months' successful teaching, and a second time if in the period following the date of issuing the certificate the holder shall have acquired twenty-four weeks professional training in any recognized school providing such training: *Provided, however,* that if acquired in exchange, under the provisions of this Act, such certificate shall be renewable indefinitely for periods of two years.

21       The requirements for this form of certificate shall be graduation from a recognized high school, or the completion of an equivalent preparation, and a successful examination in English, the methods of teaching, and such other subjects of the elementary school curriculum as may be prescribed by the State Board of Education: *Provided, however,* that this certificate may be issued without examination to graduates of recognized normal schools or of institutions offering an equivalent preparation.

28       *Third*—A first grade elementary school certificate, valid for three years, renewable indefinitely for periods of three years.

30       The requirements for this form of certificate shall be graduation from a recognized high school, or an equivalent preparation, and four years' successful teaching and an examination in English, the principles and methods of teaching and three other subjects to be selected by the applicant from a list

34 of subjects prepared by the State Board of Education; or, in lieu of the fore-  
 35 going requirements, graduation from a recognized normal school, or  
 36 from an institution offering an equivalent preparation, evidence satisfac-  
 37 tory to the county superintendent of at least two years' successful teach-  
 38 ing, and an examination in English and the principles and methods of  
 39 teaching.

40 *Fourth*—A limited high school certificate, valid for one year, and renew-  
 41 able for a period of two years.

42 The requirements for this form of certificate shall be graduation from a  
 43 recognized high school, or an equivalent preparation, and a certificate showing  
 44 at least one year's successful work in a recognized higher institution of learn-  
 45 ing, a successful examination in English, the principles and methods of teach-  
 46 ing, and three high school subjects, one major and two minors, chosen from  
 47 a list prepared by the State Board of Education. The issuing of this form of  
 48 certificate shall be discontinued at the option of the State Board of  
 49 Education.

50 *Fifth*—A high school certificate, valid for three years, renewable indef-  
 51 initely for periods of three years.

52 The requirements for this form of certificate shall be graduation from a  
 53 recognized high school, or an equivalent preparation, and a certificate showing  
 54 the completion of at least two years' successful work in any higher institution  
 55 of learning; an examination in English, the principles and methods of teach-  
 56 ing and three other subjects, one major and two minors, chosen from a list  
 57 prepared by the State Board of Education: *Provided, however,* that this cer-  
 58 tificate may be issued to graduates of a recognized college or university, or  
 59 any institution offering an equivalent preparation, who shall have had one year  
 60 of successful teaching.

61 *Sixth*—A kindergarten certificate, valid for two years in any kindergarten  
 62 of the State, and valid also in the first grade of the elementary schools, pro-

63 viding the kindergarten training school of which the applicant is a graduate  
 64 gives adequate preparation for first grade work; renewable for three-year  
 65 periods.

66 The requirements for this form of certificate shall be graduation from a  
 67 recognized high school and from a recognized kindergarten training school, or  
 68 the completion of an equivalent course; or, in lieu of graduation from such  
 69 training school, such examination in English and the theory and practice of  
 70 kindergarten work as may be prescribed by the State Board of Education.

71 *Seventh*—A special certificate, valid for two years in the elementary or  
 72 high schools of the county in which it is issued, renewable for three-year pe-  
 73 riods. Such certificate shall be issued only in music, drawing, manual training,  
 74 domestic art, physical training and such other subjects as may be added by  
 75 the State Board of Education, and shall authorize the holder to teach only the  
 76 subject or subjects named in the certificate.

77 The requirements for this form of certificate shall be graduation from a  
 78 recognized high school, or an equivalent preparation, and a certificate show-  
 79 ing the completion in a recognized higher institution of learning of at least  
 80 two years' special training in the subject or subjects, the candidate desires to  
 81 teach; or, in lieu of such training, satisfactory evidence of four years' suc-  
 82 cessful teaching of such subject or subjects; a successful examination in Eng-  
 83 lish and the principles and methods of teaching.

Sec. 6. Examinations for county certificates shall be held at the various  
 2 county seats on the same day, under such rules as may be prescribed by the  
 3 State Board of Education, and questions for each examination shall be uni-  
 4 form throughout the State. Such questions shall be forwarded to the county  
 5 superintendents under seal, to be broken only at the time of opening the exam-  
 6 ination and in the presence of the applicants. The county superintendent  
 7 shall conduct the examination in his county, and at the close of the examina-



tion the papers of each applicant shall be forwarded to the State Board of Education, each paper being designated in such a manner as to conceal the identity of the writer, as prescribed by the State Board of Education. Such papers, when graded, shall be returned to the county superintendents from whom they were received, each of whom shall issue a certificate of the kind designated by the State Board of Education to each person in his county who shall have passed the examination, if, in his judgment, the personality of such applicant and his general qualifications, other than scholarship, fit him for the work of teaching.

Sec. 7. A county certificate, except a third grade elementary school certificate and a second grade high school certificate, shall be valid in the county in which it is issued, and in any other county of the State when endorsed by the county superintendent of such other county. A certificate shall be renewable only at its expiration, and no certificate shall be renewed except at the option of the superintendent issuing or endorsing it and on evidence satisfactory to such superintendent of successful teaching and professional progress. In determining such progress the superintendent shall take into consideration, and give credit for, professional reading done under his direction, attendance upon any recognized institution of learning, and upon institutes and teachers' meetings, and for active participation in the same.

Sec. 8. An applicant for a certificate who has not completed a high school course shall be admitted at an examination, set by the State Board of Education, on subjects announced in advance, for the purpose of determining whether such applicant possesses an equivalent preparation.

Sec. 9. Any person who holds, at the time this Act goes into effect, a valid county certificate to teach, may, with the approval of the county superintendent, exchange the same for a certificate of equal grade—a second grade for

4 a second grade elementary or a second grade high school certificate; a first  
5 grade for a first grade elementary or a first grade high school certificate; a  
6 special certificate for a special certificate; a kindergarten certificate for a kin-  
7 dergarten certificate; or, in case the holder of a first grade certificate shall  
8 have had three years of successful work as a supervisor of schools, he may,  
9 with the approval of the Superintendent of Public Instruction, exchange such  
10 certificate for a five-year supervisory certificate.

Sec. 10. In the examination of teachers for certificates higher than those  
2 which they shall have received in exchange for certificates in force when this  
3 Act goes into effect, and in the renewal of their certificates, successful expe-  
4 rience in teaching shall be accepted as an equivalent for high school and pro-  
5 fessional training.

Sec. 11. No fee shall be charged for the examination of an applicant for  
2 any certificate issued under this Act, or for the renewal of the same.

Sec. 12. Any person who shall sell, trade, barter or give away, or offer  
2 to sell, trade, barter or give away, to applicants for teachers' certificates, or  
3 to any other person; or any person who shall buy, purchase, bargain or trade  
4 for, or accept, any of the questions prepared by the State Board of Education  
5 to be used in the examination of teachers, or in any way dispose of or accept  
6 any of such questions, in violation of the rules prescribed by the State Board  
7 of Education; or any person who shall reveal or give information which shall  
8 reveal the identity of any writer of an examination paper, shall, on conviction,  
9 be fined not less than \$25 nor more than \$100.

Sec. 13. By the word "recognized," as used in this Act in connection  
2 with the word "school," "college" or "university," is meant such school, col-  
3 lege or university as maintains an equipment, course of study and standard of

4 scholarship approved by the State Board of Education. The rules of such  
5 board shall also be final in the matter of determining the meaning of the words  
6 "high school" and "equivalent preparation," as used in this Act, and of other  
7 words and phrases in this Act which have no recognized legal definition.

Sec. 14. Any certificate issued under this Act may be suspended or re-  
2 voked by the superintendent issuing or endorsing it, upon evidence of immor-  
3 ality, incompetency, unprofessional conduct or other just cause.

"Sec. 15. All Acts or parts of Acts in conflict herewith are hereby re-  
2 pealed.

Sec. 16. This Act shall take effect and be in force on and after Janu-  
2 ary 1, 1911.





- 1 Reported from Senate May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

A BILL

For an Act to amend section 27 of an Act entitled, “An Act concerning fees and salaries and to classify the several counties of this State with reference thereto,” approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 27 of an Act entitled “An Act concerning fees and salaries and to classify the several counties of this State with reference theerto,” approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, and amended May 17, 1905, be, and the same is hereby amended so as to read as follows:

Sec. 27. County superintendents elected hereafter shall receive for their services in counties which, according to the census of 1900, contained a population not exceeding 12,000, \$1,250 per annum; in counties which, according to

10 the census of 1900 contained a population of more than 12,000 and not exceed-  
11 ing 20,000, \$1,500 per annum; in counties which, according to the census of  
12 1900, contained a population of more than 20,000 and not exceeding 28,000, \$1,800  
13 per annum; in counties which, according to the census of 1900, contained a popu-  
14 lation of more than 28,000 and not exceeding 36,000, \$2,000 per annum; in  
15 counties which, according to the census of 1900, contained a population of more  
16 than 36,000 and not exceeding 50,000, \$2,250 per annum; in counties which, ac-  
17 cording to the census of 1900, contained a population of more than 50,000 and  
18 not exceeding 75,000, \$2,500 per annum; in counties which, according to the cen-  
19 sus of 1900, contained a population of more than 75,000 and not exceeding  
20 100,000, \$2,750 per annum, and in counties which, according to the census of  
21 1900, contained a population of more than 100,000, \$7,500 per annum, payable  
22 quarterly from the State school fund: *Provided, however,* that the board of  
23 supervisors or board of county commissioners may allow additional compen-  
24 sation for such services, payable quarterly from the county treasury. The Au-  
25 ditor, in making his warrant to any county for the amount due it from the State  
26 school fund, shall deduct from it the several amounts for which warrants have  
27 been issued to the county superintendent of said county, since the preceding ap-  
28 portionment of the State school fund.

- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to regulate and limit the hours of employment of females in any mechanical establishment or factory or laundry in order to safeguard the health of such employes; to provide for its enforcement and a penalty for its violation.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no female shall be employed in any mechanical establishment or factory or laundry in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day.

Sec. 2. Any employer who shall require any female to work in any of the places mentioned in section 1 of this Act, more than the number of hours provided for in this Act, during any day of twenty-four hours, or who shall

4 fail, neglect or refuse so to arrange the work of females in his employ that they  
5 shall not work more than the number of hours provided for in this Act, during  
6 any one day, or who shall permit or suffer any overseer, superintendent or  
7 other agent of any such employer to violate any of the provisions of this  
8 Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be  
9 fined for each offense in a sum of not less than \$25.00 or more than \$100.

Sec. 3. The State Department of Factory Inspection shall be charged  
2 with the duty of enforcing the provisions of this Act and prosecuting all viola-  
3 tions thereof.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.



- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases, and to provide for the collection of the same, and repealing certain Acts therein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* A tax shall be and is hereby imposed upon the trans-  
3 fer of any property, real, personal or mixed, or of any interest therein or in-  
4 come therefrom, in trust or otherwise, to persons, institutions or corporations,  
5 not hereinafter exempted, in the following cases:

6 1. When the transfer is by will or by the intestate laws of this State, from  
7 any person dying, seized or possessed of the property while a resident of the  
8 State.

9 2. When the transfer is by will or intestate laws of property within the  
10 State and the decedent was a non-resident of the State at the time of his  
11 death.

12       3. When the transfer is of property made by a resident, or by a non-  
13 resident when such non-resident's property is within this State, by deed, grant,  
14 bargain, sale or gift, made in contemplation of the death of the grantor, ven-  
15 dor or donor, or intended to take effect in possession or enjoyment at or after  
16 such death. When any such person, institution or corporation becomes bene-  
17 ficially entitled in possession or expectancy to any property or the income there-  
18 from, by any such transfer, whether made before or after the passage of  
19 this Act.

20       4. Whenever any person, institution or corporation shall exercise a  
21 power of appointment derived from any disposition of property made either  
22 before or after the passage of this Act, such appointment, when made, shall  
23 be deemed a taxable transfer under the provisions of this Act, in the same  
24 manner as though the property to which such appointment relates belonged  
25 absolutely to the donee of such power and had been bequeathed or devised  
26 by such donee by will; and whenever any person or corporation possessing  
27 such a power of appointment so derived shall omit or fail to exercise the same  
28 within the time provided therefor, in whole or in part, a transfer taxable un-  
29 der the provisions of this Act shall be deemed to take place to the extent of  
30 such omission or failure, in the same manner as though the persons or cor-  
31 porations thereby becoming entitled to the possession or enjoyment of the  
32 property to which such power related had succeeded thereto by a will of the  
33 donee of the power failing to exercise such power, taking effect at the time  
34 of such omission or failure.

35       When the beneficial interests to any property or income therefrom shall  
36 pass to or for the use of any father, mother, husband, wife, child, brother, sis-  
37 ter, wife or widow of the son, or the husband of the daughter, or any child  
38 or children adopted as such in conformity with the laws of the State of Illi-  
39 nois, or to any person by whom the deceased, for not less than ten years

40 prior to death, stood in the acknowledged relation of a parent: *Provided*,  
 41 *however*, such relationship began at or before said persons's fifteenth birth-  
 42 day and was continuous for said ten years thereafter: *And, provided, also*,  
 43 that the parents of such person so standing in such relation shall be deceased  
 44 when such relationship commenced, or to any lineal descendant of such deced-  
 45 ent born in lawful wedlock. In every such case the rate of tax shall be two  
 46 dollars on every one hundred dollars of the clear market value of such prop-  
 47 erty received by each person, when the amount so received exceeds in amount  
 48 the sum of one hundred thousand dollars, and one dollar on each one hundred  
 49 dollars of the clear market value of such property received by each person  
 50 when the amount so received is one hundred thousand dollars or less; and at and  
 51 after the same rates, respectively, for every less amount: *Provided*, that any  
 52 gift, legacy, inheritance, transfer, appointment or interest which may be val-  
 53 ued at a less sum than twenty thousand dollars shall not be subject to any  
 54 such duty or taxes, and the tax is to be levied in the above cases only upon  
 55 the excess of twenty thousand dollars received by each person. When the  
 56 beneficial interest to any property or income therefrom shall pass to or for  
 57 the use of any uncle, aunt, niece or nephew or any lineal descendant of the  
 58 same, in any such case the rate of such tax shall be four dollars on every  
 59 one hundred dollars of the clear market value of such property received by  
 60 each person on the excess of two thousand dollars so received by each per-  
 61 son when the amount so received exceeds the sum of twenty thousand dollars;  
 62 and two dollars on every one hundred dollars of the clear market value of  
 63 such property received by each person on the excess of two thousand dollars  
 64 so received by each person when the amount so received is twenty thousand  
 65 dollars or less. In all other cases the rate shall be as follows: On each and  
 66 every one hundred dollars of the clear market value of all property and at  
 67 the same rate for any less amount; on all transfers of ten thousand dollars

68 and less, three dollars; on all transfers over ten thousand dollars and not ex-  
 69 ceeding twenty thousand dollars, four dollars; on all transfers over twenty  
 70 thousand dollars and not exceeding fifty thousand dollars, five dollars; on all  
 71 transfers over fifty thousand dollars and not exceeding one hundred thousand  
 72 dollars, six dollars; on all transfers over one hundred thousand dollars, ten dol-  
 73 lars: *Provided*, that any gift, legacy, inheritance, transfer, appointment or  
 74 interest which may be valued at a less sum than five hundred dollars shall not  
 75 be subject to any duty or tax.

Sec. 2. When any property or interest therein or income therefrom  
 2 shall pass or be limited for the life of another, or for a term of years, or to  
 3 terminate on the expiration of a certain period the property of the decedent  
 4 so passing shall be appraised immediately after the death of the decedent,  
 5 and the value of the said life estate, term of years or period of limitation  
 6 shall be fixed upon mortality tables, using the interest rate or income rate of  
 7 five per cent; and the value of the remainder in said property so limited shall  
 8 be ascertained by deducting the value of the life estate, term of years or period  
 9 of limitation from the fair market value of the property so limited, and the  
 10 tax on the several estate or estates, remainder or remainders, or interests  
 11 shall be immediately due and payable to the treasurer of the proper county,  
 12 together with interest thereon, and said tax shall accrue as provided in sec-  
 13 tion three (3) of this Act, and remain a lien upon the entire property limited  
 14 until paid: *Provided*, that the person or persons, body politic or corporate,  
 15 beneficially interested in property chargeable with said tax, elect not to pay  
 16 the same until they shall come into actual possession or enjoyment of such  
 17 property, then in that case said person or persons, or body politic or corpor-  
 18 ate, shall give bond to the People of the State of Illinois in a penal sum three  
 19 times the amount of the tax arising from such property, limited with such  
 20 sureties as the county judge may approve, conditioned for the payment of the



21 said tax and interest thereon at such time or period as they or their represen-  
22 tatives may come into the actual possession or enjoyment of said property;  
23 which bond shall be filed in the office of the county clerk of the proper county:  
24 *Provided, further,* that such person or persons, body politic or corporate, shall  
25 make a full verified return of said property to said county judge and file the  
26 same in his office within one year from the death of the decedent, with the  
27 bond and sureties as above provided; and, further, said person or persons,  
28 body politic or corporate shall renew said bond every five years after the  
29 date of the death of decedent.

Sec. 3. All taxes imposed by this Act, unless otherwise herein provided  
2 for, shall be due and payable, at the death of the decedent, and interest at  
3 the rate of six per cent per annum shall be charged and collected thereon  
4 for such time as said taxes are not paid: *Provided,* that if said tax is paid  
5 within six months from the accruing thereof, interest shall not be charged  
6 or collected thereon, but a discount of five per cent shall be allowed and de-  
7 ducted from said tax; and in all cases where the executors, administrators or  
8 trustees do not pay such tax within one year from the death of the decedent,  
9 they shall be required to give a bond in the form and to the effect prescribed  
10 in section 2 of this Act, for the payment of said tax, together with interest.

Sec. 4. Any administrator, executor or trustee having any charge or trust  
2 in legacies or property for distribution subject to the said tax shall deduct the  
3 tax therefrom, or if the legacy or property be not money he shall collect a tax  
4 thereon upon the appraised value thereof from the legatee or person entitled to  
5 such property, and he shall not deliver or be compelled to deliver any specific  
6 legacy or property subject to tax to any person until he shall have collected the  
7 tax thereon; and whenever any such legacy shall be charged upon or payable  
8 out of real estate the heir or devisee before paying the same shall deduct said

9 tax therefrom, and pay the same to the executor, administrator or trustee, and  
10 the same shall remain a charge on such real estate until paid, and the payment  
11 thereof shall be enforced by the executor, administrator or trustees in the  
12 same that the said payment of said legacies might be enforced, if, however,  
13 such legacy be given in money to any person for a limited period, he shall re-  
14 tain the tax upon the whole amount, but if it be not in money he shall make  
15 application to the court having jurisdiction of his accounts, to make an appor-  
16 tionment if the case requires it of the sum to be paid into his hands by such  
17 legatees, and for such further order relative thereof as the case may require.

Sec. 5. All executors, administrators and trustees shall be personally liable  
2 for the payment of taxes and interest, and where proceedings for collection of  
3 taxes assessed be had, said executors, administrators and trustees shall be per-  
4 sonally liable for the expense, costs and fees of collection. They shall have full  
5 power to sell so much of the property of the decedent as will enable them to  
6 pay said tax, in the same manner as they may be enabled to do by law, for the  
7 payment of duties of their testators and intestates, and the amount of said tax  
8 shall be paid as hereinafter directed.

Sec. 6. Every sum of money retained by any executor, administrator or  
2 trustee, or paid into his hands for any tax on any property, shall be paid by him  
3 within thirty days thereafter to the treasurer of the proper county, and the  
4 said treasurer or treasurers shall give, and every executor, administrator or  
5 trustee shall take, duplicate receipts from him of said payments, one of which  
6 receipts he shall immediately send to the State Treasurer, whose duty it shall  
7 be to charge the treasurer so receiving the tax with the amount thereof. and  
8 shall seal said receipt with the seal of his office and countersign the same and  
9 return it to the executor, administrator or trustee, whereupon it shall be a  
10 proper voucher in the settlement of his accounts; but the executor, adminis-

11 trator or trustee shall not be entitled to credit in his accounts or be discharged  
12 from liability for such tax unless he shall purchase a receipt so sealed and  
13 countersigned by the Treasurer and a copy thereof certified by him.

Sec. 7. Whenever any of the real estate of which any decedent may die seized  
2 shall pass to any body politic or corporate, or to any person or persons, or in  
3 trust for them, it shall be the duty of the executor, administrator or trustee of  
4 such decedent to give information thereof in writing to the treasurer of the  
5 county where said real estate is situated, within six months after they under-  
6 take the execution of their expected duties, or if the fact be not known to them  
7 within that period, then within one month after the same shall have come to  
8 their knowledge.

Sec. 8. Whenever debts shall be proved against the estate of the decedent  
2 after distribution of legacies from which the inheritance tax has been deducted  
3 in compliance with this Act, and the legatee is required to refund any portion  
4 of the legacy, a proportion of the said tax shall be repaid to him by the execu-  
5 tor or administrator if the said tax has not been paid into the State or county  
6 treasury, or by the county treasurer if it has been so paid.

Sec. 9. If a foreign executor, administrator or trustee shall assign or trans-  
2 fer any stock or obligations in this State standing in the name of a decedent,  
3 or in trust for a decedent, liable to any such tax, the tax shall be paid to the treas-  
4 urer of the proper county on the transfer thereof. No safe deposit company, trust  
5 company, corporation, bank or other institution, person or persons having in  
6 possession or under control securities, deposits, or other assets belonging to  
7 or standing in the name of a decedent who was a resident or non-resident, or  
8 belonging to, or standing in the joint names of such a decedent and one or more  
9 persons, including the shares of the capital stock of, or other interests in, the  
10 safe deposit company, trust company, corporation, bank or other institution

11 making the delivery or transfer herein provided, shall deliver or transfer the  
12 same to the executors, administrators or legal representatives of said decedent,  
13 or to the survivor or survivors when held in the joint names of a decedent and  
14 one or more persons, or upon their order or request, unless notice of the time  
15 and place of such intended delivery or transfer be served upon the State Treas-  
16 urer and Attorney General at least ten days prior to said delivery or transfer;  
17 nor shall any such safe deposit company, trust company, corporation, bank  
18 or other institution, person or persons deliver or transfer any securities, de-  
19 posits or other assets belonging to or standing in the name of a decedent, or  
20 belonging to, or standing in the joint names of a decedent and one or more  
21 persons, including the shares of the capital stock of, or other interests in, the  
22 safe deposit company, trust company, corporation, bank or other institution  
23 making the delivery or transfer, without retaining a sufficient portion or  
24 amount thereof to pay any tax or interest which may thereafter be assessed  
25 on account of the delivery or transfer of such securities, deposits or other as-  
26 sets, including the shares of the capital stock of, or other interests in, the safe  
27 deposit company, trust company, corporation, bank or other institution making  
28 the delivery or transfer, under the provisions of this article, unless the State  
29 Treasurer and Attorney General consent thereto in writing. And it shall be  
30 lawful for the State Treasurer, together with the Attorney General, personally  
31 or by representatives, to examine said securities, deposits or assets at the time  
32 of such delivery or transfer. Failure to serve such notice or failure to allow  
33 such examination, or failure to retain a sufficient portion or amount to pay  
34 such tax and interest as herein provided shall render said safe deposit com-  
35 pany, trust company, corporation, bank or other institution, person or persons  
36 liable to the payment of the amount of the tax and interest due or thereafter  
37 to become due upon said securities, deposits or other assets, including the shares  
38 of the capital stock of, or other interests in, the safe deposit company, trust



39 company, corporation, bank or other institution making the delivery or trans-  
40 fer, and in addition thereto, a penalty of one thousand dollars; and the pay-  
41 ment of such tax and interest thereon, or of the penalty above prescribed, or  
42 both, may be enforced in an action brought by the State Treasurer in any  
43 court of competent jurisdiction.

Sec. 10. When any amount of said tax shall have been paid erroneously  
2 to the State Treasury, it shall be lawful for him on satisfactory proof rendered  
3 to him by said county treasurer of said erroneous payments to refund and pay  
4 to the executor, administrator or trustees, person or persons who have paid any  
5 such tax in error the amount of such tax so paid, provided that all applica-  
6 tions for the repayment of said tax shall be made within two years from the  
7 date of said payment.

Sec. 11. In order to fix the value of property of persons whose estate shall  
2 be subject to the payment of said tax, the county judge, on application of any  
3 interested party, or upon his own motion shall appoint some competent per-  
4 son as appraiser as often as or whenever occasion may require, whose duty it  
5 shall be forthwith to give such notice by mail, to all persons known to have or  
6 claim an interest in such property, and to such persons as the county judge  
7 may, by order direct, of the time and place he will appraise such property,  
8 and at such time and place to appraise the same at a fair market value, and  
9 for that purpose the appraiser is authorized, by leave of the county judge, to  
10 use subpoenas for and to compel the attendance of witnesses before him, and to  
11 take the evidence of such witnesses under oath concerning such property and  
12 the value thereof, and he shall make a report thereof and of such value in  
13 writing, to said county judge, with the depositions of the witnesses examined  
14 and such other facts in relation thereto and to said matters as said county judge  
15 may, by order, require to be filed in the office of the clerk of said county

16 court, and from this report the said county judge shall forthwith assess and  
17 fix the then cash value of all estates, annuities and life estates or terms of  
18 years growing out of said estate, and the tax to which the same is liable, and  
19 shall immediately give notice by mail to all parties known to be interested  
20 therein. Any person or persons dissatisfied with the appraisement or assess-  
21 ment may appeal therefrom to the county court of the proper county within  
22 sixty days after the making and filing of such appraisement or assessment on  
23 paying or giving security satisfactory to the county judge to pay all costs, to-  
24 gether with whatever taxes shall be fixed by said court. The said appraiser  
25 shall be paid by the county treasurer out of any funds he may have in his  
26 hands on account of the inheritance tax collected in said appraisement, as by  
27 law provided, on the certificate of the county judge, such compensation as such  
28 judge may deem just for said appraiser's services as such appraiser, not to  
29 exceed ten dollars per day for each day actually and necessarily employed in  
30 said appraisement, together with his actual and necessary traveling expenses  
31 and disbursements, including such witness fees paid by him.

Sec. 12. The fees of the clerk of the county court in inheritance tax mat-  
2 ters in the respective counties of this State, as classified in the Act concerning  
3 fees and salaries, shall be as follows:

4 In counties of the first and second classes, for services in all proceedings  
5 in each estate before the county judge the clerk shall receive a fee of five dol-  
6 lars. In all such proceedings in counties of the third class, the clerk shall re-  
7 ceive a fee of ten dollars. Such fees shall be paid by the county treasurer, on  
8 the certificate of the county judge, out of any money in his hands, on account  
9 of said tax. In counties of the third class, the Attorney General of the State  
10 may appoint an attorney, who shall be known as the "inheritance tax attorney,"  
11 and whose salary shall be not to exceed three thousand dollars per year, payable  
12 monthly out of the State treasury upon warrants drawn by the Auditor of Pub-

lie Accounts, on vouchers approved by the Attorney General. In counties of the third class, the clerk of the county court may appoint a clerk in the office of the clerk of said court, to be known as the "inheritance tax clerk," whose compensation shall be fixed by the county judge, not to exceed fifteen hundred dollars per year, and not to exceed the fee earned in said office in inheritance tax matters, the surplus of such fees over said compensation so fixed to be turned into the county treasury. In addition to the above, the clerk of the county court shall be entitled, in all suits brought for the collection of delinquent inheritance tax, and all contested inheritance tax cases appealed from the county judge to the county court, and in all appeals from the county court to the Supreme Court, the same fees as are now, or which may hereafter be, allowed by law in suits at law, or in the matter of appeals at law, to or from the county court, which fees shall be taxed as costs and paid as in other cases at law; and in all cases arising under this Act, including certified copies of documents or records in his office, for which no specific fees are provided, the clerk of the county court shall charge against and collect from the person applying for, or entitled to such services, or certified copies, the same fees as are now, or which may hereafter be, allowed for similar services or certified copies in said court, and for recording inheritance tax receipts required to be recorded in his office, he shall receive the same fees which now are or hereafter may be allowed by law to the recorder of deeds for recording similar instruments.

Sec. 13. Any appraiser appointed by this Act, who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors, he shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars and imprisoned



7 not exceeding ninety days; and in addition thereto the county judge shall dis-  
8 miss him from such service.

Sec. 14. The county court in the county in which the property is situated  
2 of the decedent, who was not a resident of the State or in the county of which  
3 the deceased was a resident at the time of his death, shall have jurisdiction to  
4 hear and determine all questions in relation to the tax arising under the pro-  
5 visions of this Act, and the county court first acquiring jurisdiction hereun-  
6 der shall retain the same to the exclusion of every other.

Sec. 15. If it shall appear to the county court that any tax accruing un-  
2 der this Act has not been paid according to law, it shall issue a summons sum-  
3 moning the persons interested in the property liable to the tax to appear be-  
4 fore the court on a day certain, not more than three months after the date  
5 of such summons, to show cause why said tax should not be paid. The pro-  
6 cess, practice and pleadings, and the hearing and determination thereof, and  
7 the judgment in said court in such cases shall be the same as those now pro-  
8 vided, or which may hereafter be provided in probate cases in the county courts  
9 in this State, and the fees and costs in such cases shall be the same as in pro-  
10 bate cases in the county courts of this State.

Sec. 16. Whenever it appears that any tax is due and unpaid under this  
2 Act, and the persons, institutions or corporations liable for said tax have re-  
3 fused or neglected to pay the same, it shall be the duty of the State's attor-  
4 ney, in counties of the first and second class, and the inheritance tax attor-  
5 ney, in counties of the third class, if he has proper cause to believe a tax is  
6 due and unpaid, to prosecute the collection of same in the county court in the  
7 proper county, in the manner provided in section fifteen of this Act, for the  
8 enforcement and collection of such tax; and in every such case said court shall



9 allow as costs in said case, such fees to said attorney as the court may deem  
10 reasonable.

Sec. 17. The county judge and county clerk of each county shall, every  
2 three months, make a statement in writing to the county treasurer of  
3 the county of the property from which or the party from whom he has reason  
4 to believe a tax under this Act is due and unpaid.

Sec. 18. Whenever the county judge of any county shall certify that there  
2 was probable cause for issuing a summons and taking the proceedings speci-  
3 fied in sections 15 and 16 of this Act, the State Treasurer shall pay or allow  
4 to the treasurer of any county all expenses incurred for service of summons  
5 and his other lawful disbursements that has not otherwise been paid.

Sec. 19. The Treasurer of the State shall furnish to each county judge  
2 a book, in which he shall enter the returns made by appraisers, the cash value  
3 of annuities, life estates and terms of years and other property fixed by him,  
4 and the tax assessed thereon and the amounts of any receipts for payments  
5 thereof filed with him, which books shall be kept in the office of the county  
6 judge as a public record.

Sec. 20. The treasurer of each county shall collect and pay to the State  
2 Treasurer all taxes that may be due and payable under this Act, who shall  
3 give him a receipt therefor, of which collection and payment he shall make a  
4 report under oath to the Auditor of Public Accounts, on the first Monday in  
5 March and September of each year, stating for what estate paid, and in such  
6 form and containing such particulars as the Auditor may prescribe; and for  
7 all said taxes collected by him and not paid to the State Treasurer by the  
8 first day of October and April of each year, he shall pay interest at the rate  
9 of ten per cent per annum.

Sec. 21. The treasurer of each county shall be allowed to retain two per cent on all taxes paid and accounted for by him under this Act in full for his services in collecting and paying the same, in addition to his salary or fees now allowed by law.

Sec. 22. Any person or body politic or corporate shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county or the copy of the receipt at his option that may have been given by said treasurer for the payment of any tax under this Act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any deceased may have died seized, said tax has been paid and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the clerk's office of said county in which the property may be situated, in the book to be kept by said clerk for such purpose.

Sec. 23. When any person interested in any property in this State, which shall have been transferred within the meaning of this Act shall deem the same not subject to any tax under this Act, he may file his petition in the county court of the proper county to determine whether said property is subject to the tax herein provided, in which petition the county treasurer and all persons known to have or claim any interest in said property shall be made parties. The county court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases. An adjudication by the county court, as herein provided, shall be conclusive as to the lien of the tax herein provided upon said property,

14 subject to appeal to the Supreme Court of the State by the county treasurer, or  
15 Attorney General of the State, in behalf of the people, or by any party having  
16 an interest in said property. The fees and costs in all cases arising under this  
17 section shall be the same as are now or may hereafter be allowed by law  
18 in cases at law in the county court.

Sec. 24. The lien of the collateral inheritance tax shall continue until the  
2 said tax is settled and satisfied: *Provided*, that said lien shall be limited to  
3 the property chargeable therewith: *And, provided, further*, that all inheritance  
4 taxes shall be sued for within five years after they are due and legally de-  
5 mandable, otherwise they shall be presumed to be paid and cease to be a lien  
6 as against any purchasers of real estate.

Sec. 25. When property is transferred or limited in trust or otherwise, and  
2 the rights, interest or estates of the transferees or beneficiaries are dependent  
3 upon contingencies or conditions whereby they may be wholly or in part  
4 created, defeated, extended or abridged, a tax shall be imposed upon said trans-  
5 fer at the highest rate which, on the happening of any of the said contingen-  
6 cies or conditions, would be possible under the provisions of this article, and  
7 such tax so imposed shall be due and payable forthwith by the executors or  
8 trustees out of the property transferred: *Provided, however*, that on the hap-  
9 pening of any contingency whereby the said property, or any part thereof is  
10 transferred to a person, corporation or institution exempt from taxation under  
11 the provisions of the inheritance tax laws of this State, or to any person, cor-  
12 poration or institution, taxable at a rate less than the rate imposed and paid,  
13 such person, corporation or institution shall be entitled to a return of so much  
14 of the tax imposed and paid as is the difference between the amount paid and  
15 the amount which said person, corporation or institution should pay under the  
16 inheritance tax laws, with interest thereon at the rate of three per centum

17 per annum from the time of payment. Such return of over-payment shall be  
 18 made in the manner provided for refunds under section eight.

19 Estates or interests in expectancy which are contingent or defeasible and  
 20 in which proceedings for the determination of the tax have not been taken or  
 21 where the taxation thereof has been held in abeyance, shall be appraised at their  
 22 full, undiminished value when the persons entitled thereto shall come into the  
 23 beneficial enjoyment or possession thereof, without diminution for or on ac-  
 24 count of any valuation theretofore made of the particular estates for the pur-  
 25 poses of taxation, upon which said estates or interests in expectancy may have  
 26 been limited.

27 Where an estate for life or for years can be divested by the act or omission  
 28 of the legatee or devisee it shall be taxed as if there were no possibility of  
 29 such divesting.

Sec. 26. The State Treasurer, by and with the consent of the Attorney  
 2 General expressed in writing, is hereby empowered and authorized to enter into  
 3 an agreement with the trustees of any estate in which remainders or expectant  
 4 estates have been of such a nature, or so disposed and circumstanced that the  
 5 taxes therein were held not presently payable, or where the interests of the  
 6 legatees or devisees were not ascertainable under an Act to tax gifts, legacies,  
 7 and inheritances, etc., in force July 1, 1885, and amendments thereto; and to  
 8 compound such taxes upon such terms as may be deemed equitable and ex-  
 9 pedient; and to grant discharge to said trustees upon the payment of the taxes  
 10 provided for in such composition: *Provided, however,* that no such composi-  
 11 tion shall be conclusive, in favor of said trustees as against the interests of such  
 12 *cestuis que* trust as may possess either present rights of enjoyment, or fixed,  
 13 absolute or indefeasible rights of future enjoyment, or of such as would pos-  
 14 sess such rights in the event of the immediate termination of particular estates,  
 15 unless they consent thereto, either personally, when competent, or by guar-



16 dian. Composition or settlement made or effected under the provisions of this  
 17 section shall be executed in triplicate, and one copy filed in the office of the  
 18 State Treasurer, one copy in the office of the clerk of the county court wherein  
 19 the appraisement was had or the tax was paid, and one copy delivered to the  
 20 executors, administrators or trustees who shall be parties thereto.

Sec. 27. If it appear at any stage of an inheritance tax proceeding that  
 2 any person known to be interested therein is an infant or person under dis-  
 3 ability, the county judge may appoint a special guardian of such infant or  
 4 person under disability.

Sec. 28. When the beneficial interests of any property or income therefrom  
 2 shall pass to or for the use of any hospital, religious, educational, bible, mis-  
 3 sionary, tract, scientific, benevolent or charitable purpose, or to any trustee,  
 4 bishop or minister of any church or religious denomination, held and used  
 5 exclusively for the religious, educational or charitable uses and purposes of  
 6 such church or religious denomination, institution or corporation, by grant, gift,  
 7 bequest or otherwise, the same shall not be subject to any such duty or tax,  
 8 but this provision shall not apply to any corporation which has the right to  
 9 make dividends or distribute profits or assets among its members.

Sec. 29. When property, or any interest therein or income therefrom,  
 2 shall pass to or for the use of any person, institution or corporation by the  
 3 death of another, by deed, instrument or memoranda, such passing shall be  
 4 deemed a transfer within the meaning of this Act, and taxable at the same  
 5 rates, and be appraised in the same manner and subjected to the same duties  
 6 and liabilities as any other form of transfer provided in this Act.

Sec. 30. On the written request of the county treasurer or county judge,  
 2 in the county wherein an appraisement has been initiated, the clerk of the

3 county court and in counties having a probate court, the clerk of the probate  
4 court and the recorder of deeds shall furnish certified copies of all papers  
5 within their care or custody, or records material in the particular appraise-  
6 ment, and the said clerk and recorder shall receive the same fee or compensa-  
7 tion for such certified copies as they would be entitled by law in other cases,  
8 which shall be paid to them by the county treasurer of the proper county, out  
9 of moneys in his hands on account of inheritance tax collections, on the pre-  
10 sentation of itemized bills therefor, approved by the county judge of the proper  
11 county.

Sec. 31. That "An Act to tax gifts, legacies and inheritances in certain  
2 cases, and to provide for the collection of the same," approved June 15, 1895,  
3 in force July 1, 1895, as amended by Act approved May 10, 1901, in force  
4 July 1, 1901, and all laws or parts of laws inconsistent herewith be and the  
5 same are hereby repealed: *Provided, however,* that such repeal shall in no  
6 wise affect any suit, prosecution or court proceeding pending at the time this  
7 Act shall take effect, or any right which the State of Illinois may have at the  
8 time of the taking effect of this Act, to claim a tax upon any property un-  
9 der the provisions of the Act or Acts hereby repealed, for which no proceed-  
10 ing has been commenced; and all appeals and rights to appeal in all suits pend-  
11 ing, or appeals from assessments of tax made by appraisers' reports, orders  
12 fixing tax or otherwise existing in this State at the time of the taking effect of  
13 this Act.

- 1    Reported from Senate May 19, 1909.
- 2    Read first time, ordered printed and referred to Committee on Appropriations.

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A BILL

For an Act making appropriations for the State educational institutions herein  
named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the following sums be and are hereby appro-  
3 priated to the State institutions named in this Act for the purposes herein  
4 stated, for the two years beginning July 1, 1909, the aggregate amount of which  
5 is \$83,426.75, and that the said sums so appropriated shall be apportioned  
6 among the said institutions as follows:

7        To the Northern Illinois Normal School, DeKalb—

8    For the purchase and installing of one engine and electric gener-

9        ator..... \$ 3,200 00

10   For the extension of a brick pavement around the main building....    1,577 25

|    |   |          |
|----|---|----------|
| 11 | For the addition of a second story to the manual training shop, for |          |
| 12 | the extension of gymnasium dressing room and shop.....              | 4,000 00 |
| 13 | For extraordinary repairs on main building .....                    | 1,535 50 |
| 14 | For the payment of water bill.....                                  | 1,500 00 |
| 15 | For science laboratories, \$1,000 per annum.....                    | 2,000 00 |
| 16 | For library, \$2,000 per annum.....                                 | 4,000 00 |
| 17 | For grounds, school garden and green house, \$1,500 per annum....   | 3,000 00 |

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|    |            |             |
|----|------------|-------------|
| 18 | Total..... | \$20,812 75 |
|----|------------|-------------|

19 To the Eastern Illinois State Normal School, Charleston—

|    |   |             |
|----|---|-------------|
| 20 | For repairs and improvements.....                                   | \$ 3,000 00 |
| 21 | For library .....   | 4,000 00    |
| 22 | For laboratory... ..  | 1,500 00    |
| 23 | For finishing ten rooms in basement, and attic of Woman's building. | 3,000 00    |
| 24 | For filters.....  | 500 00      |
| 25 | For screens... ..   | 500 00      |

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|    |             |             |
|----|-------------|-------------|
| 26 | Total ..... | \$12,500 00 |
|----|-------------|-------------|

27 To the Illinois State Normal University, Normal—

|    |  |             |
|----|--|-------------|
| 28 | For equipping and furnishing manual arts building and auditorium.  | \$16,750 00 |
| 29 | For alterations, equipment and furniture in main building and gym- |             |
| 30 | nasium .....   | 3,950 00    |
| 31 | For painting exterior of main building.....                        | 600 00      |
| 32 | For new boiler in heating plant.....                               | 1,500 00    |
| 33 | For walks, pavement and macadam drive.....                         | 6,700 00    |

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|    |            |             |
|----|------------|-------------|
| 34 | Total..... | \$29,500 00 |
|----|------------|-------------|



|    |  |             |
|----|--|-------------|
| 35 | To the Western Illinois State Normal School, Macomb—               |             |
| 36 | For additions to library.....                                      | \$ 3,500 00 |
| 37 | For care and improvement of grounds.....                           | 3,500 00    |
| 38 | For repairs of building and power house, \$1,500 per annum.....    | 3,000 00    |
| 39 | For expenses of trustees, \$250 per annum.....                     | 500 00      |
| 40 | For paying the State's share of extending the paving on Adams St., |             |
| 41 | Macomb, two blocks more or less to the west.....                   | 2,500 00    |
| 42 | For fencing the Agricultural Experiment Station on the Normal      |             |
| 43 | campus.....  | 500 00      |
| 44 | Total.....   | \$13,500 00 |
| 45 | To the Southern Illinois Normal University, Carbondale—            |             |
| 46 | For granitoid walks .....  | \$ 1,000 00 |
| 47 | For frescoing room in main science and library buildings.....      | 500 00      |
| 48 | For new furniture for model school building.....                   | 500 00      |
| 49 | For installing domestic science.....                               | 1,000 00    |
| 50 | For installing power and lathes in manual training and physical    |             |
| 51 | laboratory.....  | 1,500 00    |
| 52 | For new pianos.....  | 600 00      |
| 53 | For fire escapes.....  | 764 00      |
| 54 | For new floors in main building.....                               | 750 00      |
| 55 | For electric fixtures in science building.....                     | 500 00      |
| 56 | Total.....   | \$ 7,114 00 |

Sec. 2. The Auditor of Public Accounts is hereby authorized and required

2 to draw his warrants upon the State Treasurer for the aforesaid sums of  
3 money upon the order of the board of trustees of said educational institutions

4 herein named, respectively, signed by the president and attested by the secre-  
5 tary of said boards, respectively, with the corporate seals of said institutions  
6 attached and approved by the Governor: *Provided*, said orders shall be accom-  
7 panied by statements in detail of all expenditures made in pursuance of the  
8 aforesaid appropriations respectively, and no warrant shall be issued until such  
9 statements in detail are filed by the respective institutions to which the appro-  
10 priation is made: *And, provided, further*, that such detailed statements of  
11 receipts and expenditures and balance on hand shall be made separately, by  
12 such institutions respectively, for each and every appropriation made to said  
13 institution.

AMENDMENTS TO

46th Assem

Senate Bill No. 501 in House

May 1909

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Adopted May 26, 1909.

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AMENDMENT NO. 1.

Amend by striking out in section 1, lines 40 and 41 of the printed bill.

AMENDMENT NO. 2.

Amend by striking out in section 1, line 5, the figures "\$83,426.75" and inserting in lieu thereof the figures "\$80,926.75."

AMENDMENT NO. 3.

Amend Senate Bill No. 501 by adding after line 17 the following:

"17a. For training school building \$75,000," and by striking out the figures "\$20,812.75" in line 18 and inserting therefor the figures "\$95,812.75."





- 1   Reported from Senate May 19, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section nine (9) of an Act entitled “An Act to amend an Act concerning circuit courts, and to fix the time for holding same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook,” approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section nine (9) of an Act entitled “An Act to amend an Act concerning circuit courts and to fix the time for holding same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook,” approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, be amended so as to read as follows:

8       Sec. 9. Eighth Circuit. In the county of Adams, on the third Monday  
 9 in January, fourth Monday in March, third Monday in May, third Monday in  
 10 June, third Monday in September, and fourth Monday in October; in the  
 11 county of Schuyler, on the fourth Monday in February, first Monday in June  
 12 and second Monday in September: *Provided*, that no jury, grand or petit,  
 13 shall be summoned for said June term; in the county of Mason, on the third  
 14 Monday in April, first Monday in August and second Monday in November:  
 15 *Provided*, that no jury, grand or petit, shall be summoned for said August term;  
 16 in the county of Cass, on the second Monday in January, third Monday in March  
 17 and first Monday in October: *Provided*, that no jury, grand or petit, shall be  
 18 summoned for said January term; in the county of Brown, on the fourth  
 19 Monday in February and the second Monday in September; in the county of  
 20 Pike, on the second Monday in April, third Monday in June and second Mon-  
 21 day in November: *Provided*, that no jury, grand or petit, shall be summoned  
 22 for said June term; in the county of Calhoun, on the second Monday in May  
 23 and the second Monday in October; in the county of Menard, on the first Mon-  
 24 day in February, second Monday in June and fourth Monday in October.

- 1 Reported from Senate May 20, 1909.
- 2 Read by title, ordered printed and to a first reading.

## A BILL

For an Act entitled “An Act to establish terms of circuit courts for Jefferson county.”

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the circuit court shall after the taking effect of  
3 this Act be held in the county of Jefferson as follows:  
4 On the second Monday of January, the second Monday of April, the second  
5 Monday of July and the fourth Monday of September, in each year: *Provided,*  
6 there shall be no juries summoned for the July terms of court in said county  
7 unless by special order of a judge of said court, which order may be made  
8 either in term time or in vacation.





1 Reported from Senate May 20, 1909.

2 Read by title, ordered printed and to a first reading.

A BILL

For an Act to amend section 14 of an Act entitled “An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the judicial circuits of the State of Illinois, exclusive of the county of Cook,” approved May 24, 1879, in force July 1, 1879; as amended by an Act approved June 11, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 14 of an Act entitled “An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the judicial circuits of the State of Illinois, exclusive of the county of Cook,” approved May 24, 1879, in force July 1, 1879; as amended by an Act approved June 11, 1897, in force July 1, 1897, be and the same is hereby amended to read as follows:

Sec. 14. *Thirteenth Circuit*—In the county of Bureau, on the third Monday of September and first Monday of January and second Monday of April; in

10 the county of La Salle, on the second Monday of October, second Monday of  
11 January, second Monday of March and second Monday of June; in the county  
12 of Grundy, the first Monday of October, second Monday of February and the  
13 first Monday of May: *Provided*, that all suits, writs and processes, of every  
14 kind and nature, either civil or criminal, heretofore commenced or pending in  
15 the circuit court in the county of Grundy, or that may be pending therein at  
16 the time this Act takes effect, shall be cognizable and triable at the first term  
17 after this Act takes effect: *And, provided, further*, that no grand jury shall be  
18 summoned at the May term hereby created unless so ordered by the court.

- 1 Reported from Senate May 19, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the commitment and detention of idiots, imbeciles and  
persons of feeble mind.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* When any person shall be, or be supposed to be, an  
2 idiot, imbecile, or a person of feeble mind, any reputable citizen of the county  
3 in which such patient resides, or is found, may file with the clerk of the county  
4 court of said county a statement, in writing, under oath, setting forth that the  
5 person named is an idiot, an imbecile, or a person of feeble mind. and that the  
6 welfare of himself or others requires his restraint or commitment to the Illinois  
7 Asylum for Feeble Minded Children. The said statement must be accompanied  
8 by the names of the witnesses (one of whom, at least, must be a physician, hav-  
9 ing personal knowledge of the case), by whom the truth of the allegations  
10 therein contained may be substantiated and proved: *Provided*, that when it

11 shall appear by such statement the person alleged to be an idiot, an imbecile, or  
 12 of feeble mind has not been examined by a physician, the judge may appoint  
 13 a qualified physician of the county to make such examination and allow him  
 14 compensation therefor, not exceeding five dollars, which shall be taxed and  
 15 collected as is provided for the payment of such costs in inquests in lunacy.

Sec. 2. Upon the filing of the statement aforesaid, unless the person al-  
 2 leged to be an idiot, an imbecile, or of feeble mind shall be brought before  
 3 the court without a writ, or unless an affidavit of some credible person shall  
 4 be filed, setting forth that, in the opinion of the affiant, the physical or mental  
 5 condition of the said person is such (stating the same) as to render it mani-  
 6 festly improper that such person be brought before the court, the judge of the  
 7 county court shall direct the clerk to issue a writ, directed to the sheriff or to  
 8 any constable, or to the person having custody or charge of the person al-  
 9 leged to be an idiot, an imbecile, or of feeble mind, commanding such person  
 10 to be brought before the court at such time and place as the judge may ap-  
 11 point for the hearing and determining of the matter; and in no case shall  
 12 such hearing take place until the person alleged to be an idiot, an imbecile, or  
 13 of feeble mind shall have been notified as the court shall direct

Sec. 3. Inquests in cases of idiots, imbeciles or feeble minded persons shall  
 2 be by jury or a commission of two licensed physicians engaged in active prac-  
 3 tice in said county, as hereinafter provided.

Sec. 4. When no jury is demanded and the circumstances of the case are  
 2 such that there appears to the judge to be no occasion for the impaneling of a  
 3 jury, or that a trial by jury would for any reason be inexpedient or improper,  
 4 the judge shall appoint a commission of two qualified physicians in regular and  
 5 active practice, who are residents of the county, to be chosen by himself, on  
 6 account of their known competency and integrity, who shall make a personal



7 examination of the alleged idiot, imbecile or person of feeble mind, and file  
8 with the clerk of the court a report in writing, verified by affidavit, of the re-  
9 sults of their inquiries, together with their conclusions and recommendations.  
10 The commissioners herein provided for shall have power to administer oaths  
11 and take sworn testimony.

Sec. 5. In all cases of inquest by jury the jury shall consist of six per-  
2 sons, and one of the jurors, at least must be a qualified physician; and the  
3 proceedings shall conform in all respects, as nearly as may be, to the ordinary  
4 practice of the county court. The rights of the person whose physical and  
5 mental condition is inquired into shall be the same as those of any defendant  
6 in a civil suit.

Sec. 6. Inquests in cases of idiots, imbeciles or feeble minded persons  
2 may be in open court or in chambers, or at the home of the person alleged  
3 to be an idiot, an imbecile or of feeble mind, at the discretion of the court.  
4 The judge shall preside, whether the inquest is by jury or a commission, and  
5 the presence of the alleged idiot, imbecile or person of feeble mind shall be  
6 indispensable, and no proceedings can be had in his absence, unless otherwise  
7 provided in this Act. The judge may require all persons other than the pa-  
8 tient, his friends, witnesses, licensed attorneys and officers of the court to with-  
9 draw from the room during the inquest.

Sec. 7. The jury or commission, as the case may be, shall furnish to the  
2 court, in writing, answers to such interrogatories as may be contained in a  
3 form to be prescribed by the State Commissioners of Public Charities, and  
4 shall certify that the same are correct to the best of their knowledge and be-  
5 lief, which interrogatories shall be submitted to the medical member or mem-  
6 bers of the jury or commission by the court.

Sec. 8. The court may, if not satisfied with the finding of the jury or commission, set the same aside and dismiss the proceedings or order another inquiry.

Sec. 9. Upon the return of the finding of the jury or commission, the court shall cause the same to be recorded at large, and shall enter the proper order, in accordance with the finding of the jury or commission, for the disposition of the person alleged to be an idiot, an imbecile or of feeble mind. Such order may discharge the alleged idiot, imbecile or person of feeble mind, with or without conditions; or remand him to the custody of his friends, or commit him to the Illinois Asylum for Feeble Minded Children. But whatever order may be made in the case shall stand and continue to be binding upon all persons whom it may concern until rescinded, reversed or otherwise legally superseded or set aside. Appeals shall be allowed to the circuit court from any order or judgment made or rendered under this Act, upon the appellant giving such bond and security within such time as the court may direct.

Sec. 10. The trustees of the Illinois Asylum for Feeble Minded Children shall receive persons committed under the provisions of this Act, unless the capacity of the institution for inmates is filled; and may detain and discharge inmates at their discretion, and may at any time discharge any pupil, or other inmate, and cause him or her to be removed to his or her home, or to the place of his or her settlement. They may also allow any inmate to be absent on a visit for not more than three months, and the liability of any person or place to said trustees for the support of such inmate shall not be suspended by reason of such absence, unless, during such period, such inmate becomes a charge to the State elsewhere.

Sec. 11. Provided the capacity of the institution is filled, the court may commit the idiot, imbecile or person of feeble mind to the care and custody

3 of relatives or friends, but when there shall be accommodations in the institu-  
4 tions for such person so committed, the said person shall be taken to and re-  
5 ceived in said institution.

Sec. 12. The method of taking a committed idiot, imbecile or person of  
2 feeble mind to the Asylum for Feeble Minded Children shall be the same as  
3 that prescribed by law for taking an insane person to a State hospital for  
4 the insane.





- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 6 of an Act entitled "An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized under the laws of this State, or doing business herein," approved May 20, 1907, in force January 1, 1908.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 6 of an Act entitled "An Act relating  
3 to the transaction of the business of life insurance in the State of Illinois, and  
4 regulating the conditions and provisions of policies of life insurance companies,  
5 organized under the laws of this State, or doing business herein," approved  
6 May 20, 1907, in force January 1, 1908, be amended to read as follows:

7      Sec. 6. This Act shall not apply to annuities, industrial policies, or to  
8 corporations or associations operating on the assessment or fraternal plan:

9 *Provided*, that in every case where a contract provides for both insurance and  
10 annuities this Act shall apply to that part of the contract only which provides  
11 for insurance, but every such contract providing for a deferred annuity on the  
12 life of the insured only shall (unless paid for by a single premium) provide  
13 that in the event of the non-payment of any premium after three full years'  
14 premiums shall have been paid, the annuity shall automatically become convert-  
15 ed into a paid-up annuity for such proportion of the original annuity as the  
16 number of completed years' premiums paid bears to the total number of pre-  
17 miums required under the contract.

- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 133 of "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 133 of "An Act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, be amended to read as follows:

Sec. 133. When a vacancy shall occur in the office of county commissioner, State's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, justice of the peace, constable, or other county or precinct officer not otherwise provided for by law, the vacancy shall be filled by

9 appointment by the county board of the county in which the vacancy exists, until  
10 his successor is elected and qualified, and his successor shall be elected at the  
11 next general election occurring thereafter, of which notice shall be given as in  
12 case of the other offices to be filled at such election.



- 1   Reported from Senate May 20, 1909.  
2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 5 of an Act entitled "An Act to provide for the organization, ownership, management and control of cemetery associations," approved May 14, 1903, and in force July 1, 1903.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section 5 of an Act entitled "An Act to pro-  
3 vide for the organization, ownership, management and control of cemetery  
4 associations," approved May 14, 1903, and in force July 1, 1903, be amended  
5 to read as follows:

6      Sec. 5. Any such cemetery association, when so organized, shall have the  
7 right, and the same is expressly given to such association, to acquire the nec-  
8 essary amount of land for the use of said cemetery association, which said  
9 land may be acquired by purchase or by gift; and said association is hereby  
10 authorized to receive by gift, devise or bequest any property, either real, per

11 sonal or mixed, which may be donated to such association, and to hold and  
12 keep inviolate any such property for the uses of said cemetery association:  
13 *And, also provided, further,* that any Illinois corporation authorized by law to  
14 accept and administer trusts, may acquire and hold in trust the title to any  
15 burial lot or lots which have been or may be acquired for family burial pur-  
16 pose, and such corporation may receive by gift or bequest, real or personal  
17 property, or the income and avails of property which may be transferred or  
18 conveyed to it, in trust for the improvement, maintenance, repair, preserva-  
19 tion and ornamentation of such lot or lots, or any vault or vaults, tomb or  
20 tombs or other such memorial structures on such lot or lots, as may be desig-  
21 nated by the terms of such gift or bequest, and such corporation or trust com-  
22 pany may keep such trust funds invested in safe interest or income-bearing  
23 securities, the income from which shall be used only for the purposes afore-  
24 said. The trust property, funds, gifts and bequests aforesaid so held by such  
25 corporation or trust company, as aforesaid, shall be exempt from taxation and  
26 from the operation of all laws of mortmain and laws against perpetuities and  
27 accumulations.

- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act providing for the establishment of a State Probation Commission.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* General supervision over the work of all adult and  
3 juvenile probation officers throughout the State shall be exercised by the State  
4 Probation Commission, which is hereby established and which shall consist of  
5 five members who shall serve without compensation and who shall be selected  
6 as follows: Three members thereof to be known as appointive members shall  
7 be appointed by the Governor within thirty days after the passage of this Act,  
8 for terms of one, two and three years respectively, and their successors shall  
9 be appointed for terms of three years each. The State Board of Charities  
10 shall once each year designate one of its members to act as a member of such  
11 commission and the State Superintendent of Public Instruction shall be *ex*  
12 *officio* a member thereof. All vacancies accruing among appointive members  
13 shall be filled by the Governor for the unexpired term.

14       The commission shall collect and publish statistical and other information  
15 as to the operation of the probation system and shall keep informed as to the  
16 work and efficiency of all probation officers appointed under the provisions of  
17 any law of this State. It shall endeavor to secure the effective application of  
18 the probation system herein provided in all parts of the State. It shall on or  
19 before the first day of January, 1911, and every two years thereafter, report to  
20 the Legislature its proceedings under this Act and the results of the probation  
21 system as administered throughout the State, together with any suggestions  
22 or recommendations it may consider proper for the most effectual accomplish-  
23 ment of the general purposes of this Act.



- 
- 1 Reported from Senate May 20, 1909.
  - 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to enable cities and villages to purchase, construct or enlarge waterworks, to provide for the management thereof, and giving them authority to levy an annual tax for the creation of a fund for such purchase, construction or enlarging, and limiting the granting or extension of waterworks franchise.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That cities and villages shall have the power to levy, in addition to the taxes now authorized by law, a direct annual tax of not more than two (2) cents on the dollar, said tax to be payable yearly for a period of not more than thirty (30) years; the proceeds of said tax to be used solely for the creation of a fund for the purchase, construction or enlargement of waterworks.

Sec. 2. Whenever any city or village desires to avail itself of the provisions of this Act, the city council or the board of trustees, as the case may be, upon the petition of twenty per cent (20 per cent) of the voters for presiding officer of the legislative body of such city or village at the next preceding city or village election, asking that a direct annual tax for the creation of a fund for the purchase, erection or enlargement of a waterworks system be submitted to a vote, and filed with the clerk of said city or village at least sixty (60) days before a special or general election, shall by ordinance or resolution declare its intention to purchase, construct or enlarge waterworks for an estimated amount, which estimated amount shall be computed by the city or village engineer, or any engineer appointed by such city council or board of trustees, and to levy direct annual tax as authorized by section one (1) of this Act, the total of all of which said annual taxes, together with any other available funds, shall be sufficient to purchase, construct or enlarge such waterworks, but such ordinance shall not be binding until confirmed by vote as follows:

Sec. 3. Such ordinance, after action by the council or trustees aforesaid, shall before it shall be valid or binding, be submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be purchased, erected or enlarged and the amount of tax to be levied annually, and said notice shall be posted in ten (10) public places within such city or village at least three (3) weeks previous to such election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three (3) weeks preceding such election there shall be on file in some public place convenient of access a copy of said ordinance for the inspection of the voters. If a majority of all the voters voting on said proposition

12 shall vote in favor of said ordinance, the same shall be binding and the tax  
13 duly levied. The ballot at such election shall read:

|  |     |  |
|--|-----|--|
| Proposition to levy a tax of.....annually for<br>....years for the purpose of creating a fund with which<br>to construct, purchase or enlarge (or all) waterworks. | Yes |  |
|  | No. |  |

Sec. 4. The city council in cities and the board of trustees in villages  
2 shall have the power to carry into execution the provisions of the ordinance,  
3 when ratified by the voters as directed in section three (3), for the levying of  
4 a direct annual tax for the creation of a special fund for the erection, purchase  
5 or enlarging of waterworks, and employ a superintendent and such other em-  
6 ployes as may be necessary and proper for the conduct of the business neces-  
7 sary to the operation thereof.

Sec. 5. The board of trustees or city council shall, from time to time, fix  
2 the water rentals and rates to be charged for the furnishing of water, and such  
3 rates shall be made sufficient for the proper maintenance and operation of  
4 such works, the proper and necessary extension thereof, and for all repairs  
5 thereon.

Sec. 6. Whenever a city has availed itself of the provisions of this Act,  
2 the city council or board of trustees shall not grant or extend a waterworks  
3 franchise to any person or corporation for a longer term than five (5) years.

Sec. 7. This Act shall be considered as conferring additional powers on  
2 city councils and boards of trustees, and as in addition to and not limiting  
3 powers now given cities and villages, city councils and board of trustees by  
4 law.





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1 Reported from Senate, May 27, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act entitled, "An Act granting the right, power and authority to the Chicago Exposition and Recreation Pier Company (Incorporated), and its successors, to construct, maintain and operate a recreation pier upon the submerged lands and in the waters of Lake Michigan, extending easterly and perpendicular to the general trend of the shore line at Thirty-first street, in the city of Chicago, with proper and necessary approaches."

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the right, power and authority be and the  
3 same is hereby given and granted to The Chicago Exposition and Recreation  
4 Pier Company (Incorporated), and to its successors, to construct, maintain and  
5 operate a recreation pier upon the submerged lands and in the waters of  
6 Lake Michigan, extending easterly and perpendicular to the general trend of  
7 the shore line at Thirty-first street, in the city of Chicago, extended for the

8 period of thirty years from the first day of July, A. D. 1909, with the proper  
9 and necessary approaches thereto. Said pier shall not exceed four thousand  
10 feet in length from the shore line of Lake Michigan at low water mark to its  
11 easterly end, and shall not exceed three hundred and fifty feet in width at any  
12 point, and shall be constructed and maintained at all times upon columns or  
13 other supports, so that the continuous flow of water under said pier shall not  
14 be obstructed. Said pier shall commence on the shore line of Lake Michigan at  
15 low water mark, at a point not to exceed one thousand feet either north or  
16 south of the center line of Thirty-first street, in the city of Chicago, extended,  
17 and shall extend easterly and perpendicular to the general trend of the shore  
18 line at Thirty-first street. That the further right, power and authority be  
19 and the same is hereby given to said Chicago Exposition and Recreation Pier  
20 Company, and to its successors, to construct, maintain and operate the proper  
21 and necessary approaches to said pier hereby authorized, over and across any  
22 and all streets and highways in said city of Chicago.

Sec. 2. Said Chicago Exposition and Recreation Pier Company, and its  
2 successors, for the rights and privileges hereby granted, and for the use and  
3 occupation of said submerged lands, shall admit the public to the promenade  
4 portion of said recreation pier free of charge.

Sec. 3. No title to said submerged lands or rights, privileges or authority,  
2 other than those expressly given and granted by this Act, shall be acquired  
3 by said Chicago Exposition and Recreation Pier Company and its successors.

Sec. 4. The rights, privileges and authority hereby given and granted shall  
2 be at all times subject to all rules, regulations and control of navigation estab-  
3 lished by the United States.

- 1    Reported from Senate May 20, 1909.
- 2    Read a first time, ordered printed and referred to Committee on Appropriations.
- .

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A BILL

For an Act making appropriations for the ordinary expenses of the State Educational Institutions herein named.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That there be and is hereby appropriated for the

3 purpose of defraying the ordinary expenses of the State institutions named

4 in this Act, for the year beginning July 1, 1909, the sum of \$340,000.00, payable

5 quarterly in advance, and that the said appropriations shall be apportioned

6 among the said institutions as follows:

7 To the Northern Illinois State Normal School, DeKalb.....\$ 81,000.00

8 To the Eastern Illinois State Normal School, Charleston..... 61,000.00

9 To the Illinois State Normal University, Normal..... 83,000.00

10 To the Western Illinois State Normal School, Macomb..... 60,000.00

11 To the Southern Illinois Normal University, Carbondale..... 55,000.00

12        Total.....\$340,000.00

Sec. 2. For the purpose of defraying the ordinary expenses of said

State institutions for the year beginning July 1, 1910, the sum of \$340,000.00 is appropriated, payable quarterly in advance, and that the said appropriation shall be apportioned among the said institutions and at the same rate thereafter until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, as follows:

|  |                     |
|--|---------------------|
| To the Northern Illinois State Normal School, DeKalb.....    | \$ 81,000.00        |
| To the Eastern Illinois State Normal School, Charleston..... | 61,000.00           |
| To the Illinois State Normal University, Normal.....         | 83,000.00           |
| To the Western Illinois State Normal School, Macomb.....     | 60,000.00           |
| To the Southern Illinois Normal University, Carbondale.....  | 55,000.00           |
| Total.....   | <u>\$340,000.00</u> |

Sec. 3. That there be, and is hereby, further appropriated to the Illinois

State Normal University at Normal, and to the Southern Illinois Normal University at Carbondale, for additional ordinary expenses, to each one-half of the interest on the college and seminary fund.

Sec. 4. The Auditor of Public Accounts is hereby authorized and re-

quired to draw his warrant upon the State Treasurer for said sum so appropriated for ordinary expenses, quarterly, upon the order of the trustees of said institutions, respectively, signed by the president and attested by the secretary, with the corporate seal attached: *Provided*, that no part of said sum shall be due and payable to any of said institutions respectively, until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and said detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which said statement is made, the total amount received and expended, and the balance on hand at the close of the quarter for which the same is made.



- 1   Reported from Senate May 20, 1909.
- 2   Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section 38 of an Act entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895, as amended by an Act approved April 22, 1899, in force July 1, 1899.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 38 of an Act entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895, as amended by Act approved April 22, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

8      Sec. 38. HOW PROPERTY MAY BE AMENDED—ELECTION, ETC.] Territory ad-  
9   joining and in the same county with any park district organized under this

10 Act may be annexed to and become a part of such district in the manner  
 11 following: Any one hundred legal voters resident within the territory pro-  
 • 12 posed to be annexed, may petition the county judge of the county wherein  
 13 land proposed to be annexed lies, to cause the question to be submitted to the  
 14 legal voters of such park district and of the territory proposed to be an-  
 15 nexed, whether such territory shall be annexed and become a part of the ad-  
 16 joining park district, and the petition shall set forth the name of the park  
 17 district and define the limits of the territory proposed to be annexed there-  
 18 to: *Provided, however, if the legal voters, residents within the territory pro-*  
 19 *posed to be annexed are fewer than one hundred (100) in number, a major-*  
 20 *ity of such legal voters, together with a majority of the owners of lands within*  
 21 *the territory proposed to be annexed, who shall have arrived at lawful age,*  
 22 *and who represent a major portion in area of the land within such territory,*  
 23 *may petition in like manner as above provided.* Upon the filing of the peti-  
 24 tion in the office of the county clerk of the county in which such territory is  
 25 situated, it shall be the duty of the county judge of said county to order an  
 26 election to be held in the territory proposed to be annexed, and also in said  
 27 park district, and in such order said judge shall fix the time and place or  
 28 places when and where such special election may be held, to determine the  
 29 question of annexation, and shall name the persons to act as judges of such  
 30 election, and shall give at least twenty days' notice thereof by causing notice  
 31 to be posted in five public places within the territory proposed to be annexed,  
 32 and also in five public places within such park district. The ballot to be used  
 33 at such election shall be in the following form:

34 "For annexation."

35 "Against annexation."

36 The judges at such election shall make return thereof to the county  
 37 judge, who shall canvass such returns and cause a statement of the result

38 of such election to be entered upon the records of the county court, a certified  
39 copy of which record shall be by said commissioners spread upon the records  
40 of said park district. If a majority of the votes cast upon that question at  
41 such election in the territory proposed to be annexed shall be for annexation;  
42 and also if a majority of the votes cast upon that question in the park dis-  
43 trict shall be for annexation, then said adjoining territory shall thenceforth  
44 become and be a part of such district, the same as though originally included  
45 therein.





1 Reported from Senate May 26, 1909.

2 Read a first time, ordered printed and referred to Committee on Appropriations.

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## A BILL

For an Act making an appropriation for the acquisition of land for the relocation of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, of the sum heretofore appropriated by an Act entitled, "An Act creating a commission and providing for the acquisition of land for the relocation of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet, and making an appropriation therefor," approved June 5, 1907, in force July 1, 1907, and remaining unexpended at the expiration of the first

10 fiscal quarter after the adjournment of the Forty-sixth General Assembly, and  
11 not otherwise appropriated, is hereby reappropriated for the purposes ex-  
12 pressed in said Act, to be paid out of the State treasury for said purposes, and  
13 in the manner in said Act provided.

Sec. 2. That in addition to the sum herein appropriated by section 1 of  
2 this Act, the further sum of one hundred thousand dollars (\$100,000), or so  
3 much thereof as may be necessary, is hereby appropriated out of any unex-  
4 pended moneys heretofore or hereafter received by the warden of the Illinois  
5 State Penitentiary and the general superintendent of the Illinois State Re-  
6 formatory, as proceeds of the labor of the prisoners in said Illinois State Pen-  
7 tentiary and said Illinois State Reformatory, and of the sales of articles  
8 manufactured by them therein for the purposes mentioned in section 1  
10 of this Act.

11 Not exceeding seventy-five thousand dollars (\$75,000) of the amount ap-  
12 propriated by this section shall be taken from the fund arising from the labor  
13 of the prisoners and of the sales of articles manufactured by them, in the  
14 Illinois State Penitentiary, and not exceeding twenty-five thousand dollars  
15 (\$25,000) from the fund arising from the labor of prisoners and of the sales  
16 of articles manufactured by them in the Illinois State Reformatory. It shall  
17 be the duty of the warden of the Illinois State Penitentiary and the general  
18 superintendent of the Illinois State Reformatory and the Board of Prison In-  
19 dustries of Illinois to pay the moneys, or any part thereof, herein appropri-  
20 ated by this section to the Penitentiary Commission, upon the demand in writ-  
21 ing, signed by a majority of the said the Penitentiary Commission.

1 Reported from Senate May 20, 1909.

2 Read a first time, ordered printed and referred to Committee on Appropriations.

## A BILL

For an Act making an appropriation for the expenses of a commission appointed by the Governor of this State under and by virtue of Senate Joint Resolution No. 19 of the 45th General Assembly, adopted by the Senate May 11, 1907, and concurred in by the House of Representatives November 27, 1907.

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WHEREAS, The Senate of the State of Illinois did, on May 11, 1907, adopt  
2 a resolution known as Senate Joint Resolution No. 19, which resolution is in  
3 words and figures as follows, to-wit:

4 “Resolved, by the Senate, the House of Representatives concurring herein,  
5 That the Governor is hereby authorized and requested to appoint a commission  
6 consisting of three representative men who are either manufacturers or employ-  
7 ers of labor, three representative men who are employes, one representative  
8 man learned in the law, one representative man who is a physician or one who  
9 is familiar with the standard of sanitation, and one representative citizen who

10 is neither an employer of labor nor an employe, who shall serve without re-  
11 muneratation, and whose duties shall be to thoroughly investigate and report to  
12 the Governor, by bill or bills or otherwise, the most advisable method or  
13 methods for providing for the health, safety and comfort of the employes of  
14 factories, mercantile establishments, mills and workshops in this State, for con-  
15 sideration and action by members of the 46th General Assembly.

16 The secretary of the Bureau of Labor Statistics shall be secretary of said  
17 commission and keep a record of its proceedings and furnish all necessary in-  
18 formation to the same."

19 AND, WHEREAS, The House of Representatives of the State of Illinois did,  
20 on November 27, 1907, concur in said resolution,

21 AND, WHEREAS, The Governor of the State of Illinois did, on the 22d day  
22 of September, 1908, appoint Charles Piez, E. E. Baker, Edwin R. Wright,  
23 Samuel A. Harper, P. A. Peterson, H. B. Favill, David Ross, Graham Taylor,  
24 Peter W. Collins and William Rossell as such commission, authorized by said  
25 joint resolution,

26 AND, WHEREAS, Said commission has thoroughly investigated the most ad-  
27 visable method or methods for providing for the health, safety and comfort  
28 of the employes of factories, mercantile establishments, mills and workshops in  
29 this State, and has submitted its report to the Governor of Illinois with a pro-  
30 posed bill entitled, "A bill for an Act to provide for the health, safety and  
31 comfort of employes in factories, mercantile establishments, mills and work-  
32 shops in this State and to provide for the enforcement thereof," for considera-  
33 tion and action by the 46th General Assembly,

34 AND, WHEREAS, Said commission, pursuant to the terms of said joint resolu-  
35 tion, has served without remuneration and has incurred some expense in making



36 its investigations and preparing its said bill and report, an account of which  
37 said expenses has been submitted to the Governor with said bill and report,  
38 amounting to one thousand two hundred ninety-six dollars and fifty cents;  
39 therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*  
2 *in the General Assembly:* That there be, and hereby is, appropriated the  
3 sum of one thousand two hundred ninety-six dollars and fifty cents, for the  
4 purpose of paying the expenses of said commission, appointed by the Gover-  
5 nor on September 22, 1908, under Senate Joint Resolution No. 19, of the 45th  
6 General Assembly of the State of Illinois.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed  
2 to draw his warrant in favor of the chairman of said commission on the Treas-  
3 urer on the presentation of proper vouchers certified by said chairman and ap-  
4 proved by the Governor, for the payment of said expenses, according to the  
5 statement thereof submitted to the Governor with the report of said commis-  
6 sion.



1 Reported from Senate May 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act for the sale to American Smelting and Refining Company of the interest  
of the State of Illinois in certain lands.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That the right, title and interest of the State of  
3 Illinois in and to the land now and heretofore submerged beneath the waters of  
4 Lake Michigan, and described as follows, shall be granted, quit-claimed and  
5 conveyed to American Smelting and Refining Company, in fee, that is to say:  
6 Beginning at a point in the northeasterly face of breakwater on the northeast-  
7 erly line of dock one (1) in Calumet and Chicago Canal and Dock Company's  
8 subdivision of part of the northwest fractional quarter of fractional section five  
9 (5), township thirty-seven (37) north, range fifteen (15) east of the third  
10 principal meridian (3d P. M.), Cook county, Illinois, and south of Indian  
11 boundary line, where the southeasterly face of shore return pier extended in-

12 tersects the northeasterly face of said breakwater; thence northeasterly on a  
 13 line parallel to the northwesterly face of United States south pier on the south-  
 14 easterly side of the Calumet river, which line is north sixty (60) degrees,  
 15 thirty-one (31) minutes and thirty (30) seconds east a distance of nineteen  
 16 hundred and ninety-two and forty-four hundredths (1,992.44) feet, more or  
 17 less, to the United States harbor line; thence south twenty-three (23) degrees,  
 18 five (5) minutes and thirty (30) seconds east along the United States harbor  
 19 line a distance of three hundred fifty-two and sixteen hundredths (352.16)  
 20 feet, more or less, to a point in a line parallel to and three hundred and fifty  
 21 (350) feet southeasterly from the first mentioned parallel line; thence south  
 22 sixty (60) degrees, thirty-one (31) minutes and thirty (30) seconds west along  
 23 said parallel line a distance of nineteen hundred and thirty-five and forty-  
 24 three hundredths (1,935.43) feet to a point where a line parallel to and three  
 25 hundred and fifty (350) feet southeasterly from the southeasterly face of the  
 26 shore return pier above mentioned intersects said parallel line; thence south-  
 27 westerly on a line parallel to the southeasterly face of said shore return pier  
 28 one hundred and thirty (130) feet, more or less, to a point in the shore line  
 29 of Lake Michigan as per United States survey of 1869; thence northwesterly  
 30 along said shore line three hundred and fifty (350) feet to the southeasterly  
 31 face of shore return pier above mentioned; thence northeasterly along the  
 32 southeasterly face of said shore return pier one hundred and forty (140) feet,  
 33 more or less, to the place of beginning, containing sixteen and seventy-five  
 34 hundredths (16.75) acres, subject, however, to all rights and interests of the  
 35 government of the United States, and upon the following conditions:

36 *First*—That the said American Smelting and Refining Company shall pay  
 37 into the treasury of the State of Illinois, within sixty days from the passage  
 38 of this Act, the sum of sixteen hundred and seventy-five dollars (\$1,675.00).

39 *Second*—That not less than five (5) acres of the land aforesaid shall be  
 40 conveyed at any one time, and that any such part of such lands shall not be



41 so conveyed until the same, not less than five (5) acres in area, shall have  
42 been filled in, and reclaimed, and raised above the surface of Lake Michigan.

43 *Third*—That any part of such land which shall not have been filled in, and  
44 reclaimed, and raised above the surface of Lake Michigan, within fifteen (15)  
45 years from the date that this Act shall go into effect, shall revert to the State  
46 and the said American Smelting and Refining Company shall have no further  
47 right by virtue hereof to fill in and reclaim such part.

48 *Fourth*—That said American Smelting and Refining Company shall have  
49 free and unobstructed access from such of said lands as may be filled in and  
50 reclaimed, as aforesaid, throughout their entire shore frontage, to Lake Michi-  
51 gan, but shall not have any other riparian rights appurtenant thereto.

Sec. 2. Upon payment being made as above provided, and upon the filing  
2 in the office of the Secretary of State, from time to time, of good and suffi-  
3 cient evidence that any part of such lands not less than five (5) acres in  
4 area has been filled in, and reclaimed, as aforesaid, then a patent shall be  
5 issued under the great seal of State, by the Governor and Secretary of State,  
6 conveying such part of said lands, but not less than five (5) acres at any one  
7 time, to the said American Smelting and Refining Company, in accordance  
8 with the provisions of this Act.



1 Reported from Senate May 25, 1909.

2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to legalize the organization of certain cities, towns and villages, under an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That whenever the inhabitants of any contiguous  
3 territory of this State, possessing all the legal qualifications therefor, have  
4 in good faith attempted to organize such territory as a village under and in  
5 pursuance of an Act entitled, "An Act to provide for the incorporation of  
6 cities and villages," approved April 10, 1872, in force July 1, 1872, but have  
7 failed to file certified copy of the result of the election for such organization,  
8 the canvass of the votes, and the result of the election for first officials, for  
9 record in manner as prescribed by law, and such village has in good faith for

10 a period of at least five years thereafter continuously and uninterruptedly  
11 exercised the powers of a municipal corporation, purporting to act under and  
12 in pursuance of the Act of the Legislature aforesaid, such village shall and the  
13 same is hereby declared to have been legally and validly organized under and  
14 in pursuance of said Act; and such village shall be and it is hereby authorized  
15 to organize as a city under and in pursuance of said Act, when otherwise pos-  
16 sessed the qualifications therefor prescribed by the said Act aforesaid, and  
17 when so organized, such city shall be declared to be organized as a legal and  
18 valid city, under and in pursuance of the said Act of the Legislature: *Provided*,  
19 that the certificate of organization as a city, prescribed by said Act, be now  
20 or within six months after this Act becomes effective, filed with the recorder  
21 of deeds of said county where said city is situated, and also with Secretary  
22 of State, in manner as prescribed by said Act: *And, provided, further*, there  
23 be filed with the Secretary of State, the affidavit of the mayor or city clerk or  
24 the president or clerk of the board of trustees, as the case may be, of such city  
25 or village, showing that such city or village has for a period of at least five  
26 years next preceding, continuously and uninterruptedly exercised the powers  
27 of a municipal corporation, purporting to act under and in pursuance of the  
28 aforesaid Act of the Legislature, and all elections of officers and organization  
29 of any cities and villages in this State under and by virtue of any election held  
30 under and in pursuance of the aforesaid Act of the Legislature, if otherwise  
31 according to law, are hereby legalized and made effective, and all acts of said  
32 cities and villages are hereby legalized and made effective and all acts of any  
33 such cities and villages, if otherwise legal, also hereby made legal and binding,  
34 and upon the filing and recording as aforesaid, and the filing of the affidavit  
35 as aforesaid, the Secretary of State shall charter said city or village by his  
36 certificate duly authenticated under his hand and the great seal of the  
37 State.



Sec. 2. WHEREAS, the records of several of the cities and villages in this  
2 State are deficient in the particulars set forth in section 1 of this Act, and such  
3 cities and villages are without charter and warrant of law to do business, there-  
4 fore, an emergency exists, and this Act shall be in force from and after its pass-  
5 age.



- 1 Reported from Senate, May 25, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to provide for the manner of filling vacancies, other than that of Governor of the State, in any of the elective State offices of the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* Should any vacancy occur in any of the State  
3 elective offices of the State of Illinois, other than that of Governor of the  
4 State, it shall be the duty of the Governor to forthwith call an election to fill  
5 such vacancy for the unexpired term of such office, providing the same shall  
6 exceed one year.

7 In the calling of said election the general election laws of the State of  
8 Illinois shall be observed as to notice and manner of conducting such election.

'Sec. 2. No appointment made by the Governor to fill any vacancy in any  
2 of the elective State officers of the State of Illinois shall be valid after

3 the vacancy in such office is filled by election, as provided in section one, and  
4 after the person so elected to fill such vacancy shall have duly qualified as  
5 such officer.

Sec. 3. Any and all Acts or parts of Acts in conflict herewith  
2 are hereby repealed.



- 1 Reported from Senate May 26, 1909.
- 2 Read by title, ordered printed and to a first reading.

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## A BILL

For an Act to amend section four (4) of article XII of chapter twenty-four (24) of an Act entitled "An Act to provide for the licensing of plumbers and to supervise and inspect plumbing," approved June 10, 1897, in force July 1, 1897.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented*  
2 *in the General Assembly:* That section four of article XII of chapter twenty-  
4 four (24) of an Act entitled "An Act to provide for the licensing of plumbers  
5 and to supervise and inspect plumbing," approved June 10, 1897, in force July  
6 1, 1897, be and the same is hereby amended so as to read as follows:

7 Sec. 4. MEETING OF BOARD OF EXAMINERS—SCOPE OF EXAMINATION—CERTIFI-  
8 CATE OF QUALIFICATION FEE FOR.] Said board of examiners shall, as soon as  
9 may be, after the appointment, meet and shall then designate the times and  
10 places for the examination of all applicants desiring to engage in or work at  
11 the business of plumbing, within their respective jurisdiction. Said board

12 shall examine said applicants as to their practical knowledge of plumbing,  
13 house drainage and plumbing ventilation, and if satisfied of the competency of  
14 such applicants shall thereupon issue a certificate to such applicant authorizing  
15 him to engage in or work at the business of plumbing whether as master  
16 plumber, employing plumber or as a jourman.

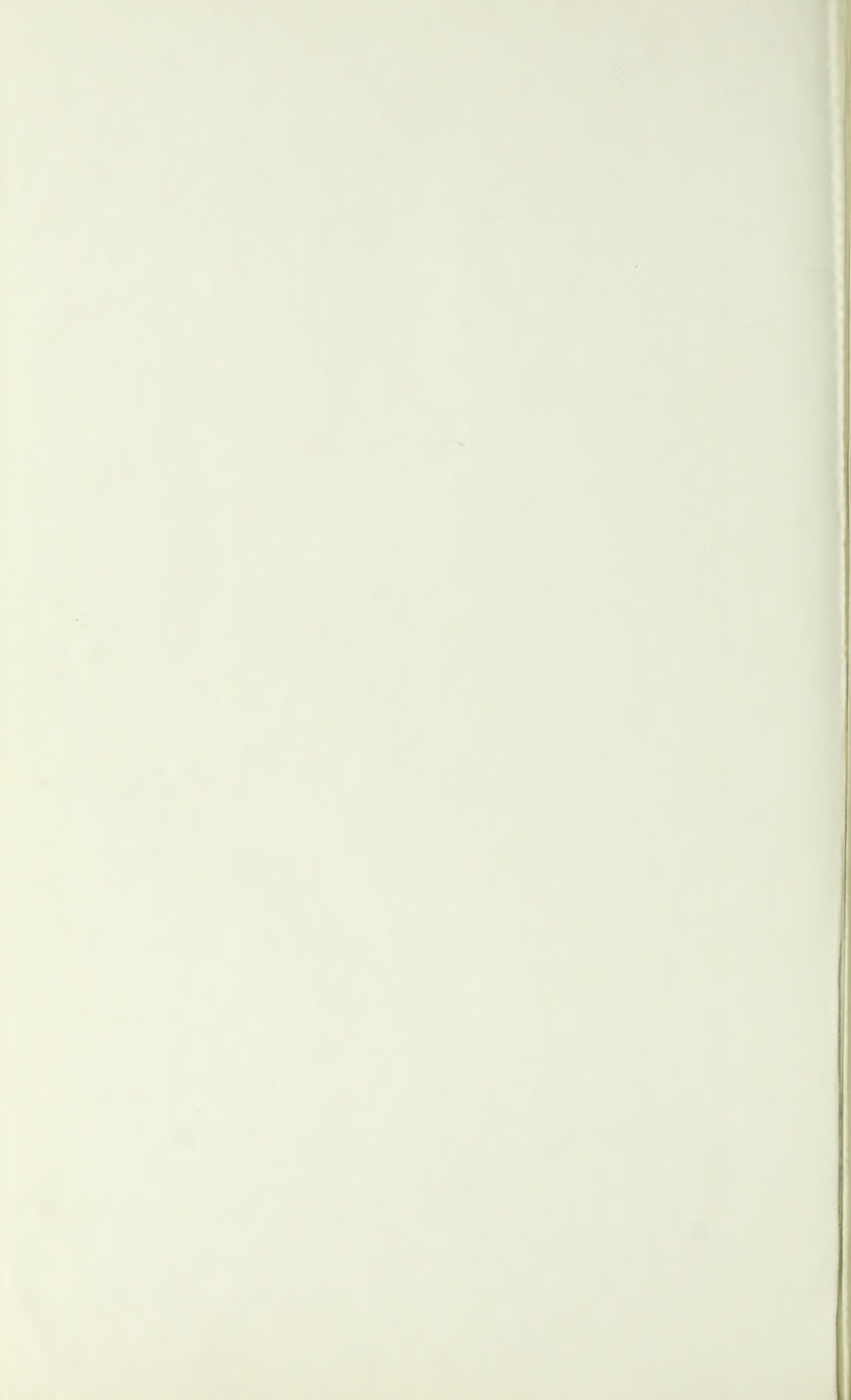
17       The fee for a certificate for a master plumber or employing plumber shall  
18 be \$50.00; for journeyman plumber it shall be \$1.00. Said certificate shall be  
19 valid and have force throughout the State for a period of one year from date  
20 of issuance and may be renewed upon its expiration by payment in advance  
21 of an annual renewal fee of \$10.00 for the certificate of a master plumber or em-  
22 ploying plumber and the payment in advance of an annual renewal fee of \$1.00  
23 for the certificate of a journeyman plumber. All fees received for said certifi-  
24 cate shall be paid into the treasury of the city, town or village where said cer-  
25 tificates are issued.













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